



Rep. Kevin John Olickal

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10400HB3361ham001

LRB104 10723 BAB 23797 a

1 AMENDMENT TO HOUSE BILL 3361

2 AMENDMENT NO. _____. Amend House Bill 3361 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Life Care Facilities Act is amended by
5 changing Sections 2 and 10.4 and by adding Sections 13 and 14
6 as follows:

7 (210 ILCS 40/2) (from Ch. 111 1/2, par. 4160-2)

8 Sec. 2. As used in this Act, unless the context otherwise
9 requires:

10 (a) "Department" means the Department of Public Health.

11 (b) "Director" means the Director of the Department.

12 (c) "Life care contract" means a contract to provide to a
13 person for the duration of such person's life or for a term in
14 excess of one year, nursing services, medical services or
15 personal care services, in addition to maintenance services
16 for such person in a facility, conditioned upon the transfer

1 of an entrance fee to the provider of such services in addition
2 to or in lieu of the payment of regular periodic charges for
3 the care and services involved.

4 (d) "Provider" means a person who provides services
5 pursuant to a life care contract.

6 (e) "Resident" means a person who enters into a life care
7 contract with a provider, or who is designated in a life care
8 contract to be a person provided with maintenance and nursing,
9 medical or personal care services.

10 (f) "Facility" means a place or places in which a provider
11 undertakes to provide a resident with nursing services,
12 medical services or personal care services, in addition to
13 maintenance services for a term in excess of one year or for
14 life pursuant to a life care contract. The term also means a
15 place or places in which a provider undertakes to provide such
16 services to a non-resident.

17 (g) "Living unit" means an apartment, room or other area
18 within a facility set aside for the exclusive use of one or
19 more identified residents.

20 (h) "Entrance fee" means an initial or deferred transfer
21 to a provider of a sum of money or property, made or promised
22 to be made by a person entering into a life care contract,
23 which assures a resident of services pursuant to a life care
24 contract.

25 (i) "Permit" means a written authorization to enter into
26 life care contracts issued by the Department to a provider.

1 (j) "Medical services" means those services pertaining to
2 medical or dental care that are performed in behalf of
3 patients at the direction of a physician licensed under the
4 Medical Practice Act of 1987 or a dentist licensed under the
5 Illinois Dental Practice Act by such physicians or dentists,
6 or by a registered or licensed practical nurse as defined in
7 the Nurse Practice Act or by other professional and technical
8 personnel.

9 (k) "Nursing services" means those services pertaining to
10 the curative, restorative and preventive aspects of nursing
11 care that are performed at the direction of a physician
12 licensed under the Medical Practice Act of 1987 by or under the
13 supervision of a registered or licensed practical nurse as
14 defined in the Nurse Practice Act.

15 (l) "Personal care services" means assistance with meals,
16 dressing, movement, bathing or other personal needs or
17 maintenance, or general supervision and oversight of the
18 physical and mental well-being of an individual, who is
19 incapable of maintaining a private, independent residence or
20 who is incapable of managing his person whether or not a
21 guardian has been appointed for such individual.

22 (m) "Maintenance services" means food, shelter and laundry
23 services.

24 (n) "Certificates of Need" means those permits issued
25 pursuant to the Illinois Health Facilities Planning Act as now
26 or hereafter amended.

1 (o) "Non-resident" means a person admitted to a facility
2 who has not entered into a life care contract.

3 (p) "At-home continuing care" means a program providing or
4 committing to provide a range of services to an individual in
5 the individual's private residence, either directly or
6 indirectly by a provider, and/or access to amenities at the
7 provider's affiliated locations, pursuant to a life care
8 contract and payment of an entrance fee.

9 (q) "At-home continuing care agreement" means a written
10 contract to provide a person with services and supports, based
11 upon the person's needs, in his or her own residence or at the
12 community's affiliated locations for an entrance fee.

13 (r) "At-home continuing care services" includes, but is
14 not limited to, coordinated at-home care, management, wellness
15 programs, health assessments, health information and referral,
16 home safety evaluation, homemaker services, assistance with
17 activities of daily living, personal emergency response
18 systems, chronic disease management, professional nursing
19 services, home care services, assisted living, and skilled
20 nursing care.

21 (s) "Continuing Care at Home" or "CCaH" has the same
22 meaning as "at-home continuing care".

23 (t) "Provider" means any corporation, partnership, or
24 other entity that provides or offers to provide at-home
25 continuing care and that operates a life care community.

26 (u) "Subscriber" means a person who contracts for at-home

1 continuing care and resides in a private residence off of a
2 continuing care retirement community campus.

3 (Source: P.A. 95-639, eff. 10-5-07.)

4 (210 ILCS 40/10.4)

5 Sec. 10.4. Provision of at-home continuing care.

6 (a) The Department shall adopt rules that:

7 (1) establish standards for providers of at-home
8 continuing care;

9 (2) provide for the certification and registration of
10 providers of at-home continuing care and the annual
11 renewal of certificates of registration;

12 (3) provide for and encourage the establishment of
13 at-home continuing care programs;

14 (4) set minimum requirements for any individual who is
15 employed by or under contract with a provider of at-home
16 continuing care and who will enter a provider of at-home
17 continuing care's subscriber's home to provide at-home
18 continuing care services, including requirements for
19 criminal background checks of such an individual who will
20 have routine, direct access to a subscriber;

21 (5) establish standards for the renewal of
22 certificates of registration for providers of at-home
23 continuing care;

24 (6) establish standards for the number of executed
25 agreements necessary to begin operation as a provider of

1 at-home continuing care;

2 (7) establish standards for when and how a provider of
3 at-home continuing care or a subscriber may rescind an
4 at-home continuing care agreement before at-home
5 continuing care services are provided to the subscriber;

6 (8) allow a subscriber to rescind an agreement for
7 at-home continuing care services at any time if the terms
8 of the agreement violate this Section;

9 (9) establish that a provider may terminate an
10 agreement to provide at-home continuing care services or
11 discharge a subscriber only for just cause; and

12 (10) establish procedures to carry out a termination
13 or discharge under paragraph (9).

14 (b) The Department shall certify and register a person as
15 a provider of at-home continuing care services under this
16 Section if the Department determines that:

17 (1) a reasonable financial plan has been developed to
18 provide at-home continuing care services, including a plan
19 for the number of agreements to be executed before
20 beginning operation;

21 (2) a market for the at-home continuing care program
22 exists;

23 (3) the provider has submitted all proposed
24 advertisements, advertising campaigns, and other
25 promotional materials for the program;

26 (4) the form and substance of all advertisements,

1 advertising campaigns, and other promotional materials
2 submitted are not deceptive, misleading, or likely to
3 mislead; and

4 (5) an actuarial forecast supports the market for the
5 program.

6 (c) A provider may not enter into an agreement to provide
7 at-home continuing care services until the Department issues a
8 preliminary certificate of registration to the provider. An
9 application for a preliminary certificate of registration
10 shall:

11 (1) be filed in a form determined by the Department by
12 rule; and

13 (2) include:

14 (A) a copy of the proposed at-home continuing care
15 agreement; and

16 (B) the form and substance of any proposed
17 advertisements, advertising campaigns, or other
18 promotional materials for the program that are
19 available at the time of filing the application and
20 that have not been filed previously with the
21 Department.

22 (d) The Department shall issue a preliminary certificate
23 of registration to a provider under subsection (c) if the
24 Department determines that:

25 (1) the proposed at-home continuing care agreement is
26 satisfactory;

1 (2) the provider has submitted all proposed
2 advertisements, advertising campaigns, and other
3 promotional materials for the program; and

4 (3) the form and substance of all advertisements,
5 advertising campaigns, and other promotional materials
6 submitted are not deceptive, misleading, or likely to
7 mislead.

8 (e) A person may not provide at-home continuing care
9 services until the Department issues a certificate of
10 registration to the person. An application for a certificate
11 of registration shall:

12 (1) be filed in a form determined by the Department by
13 rule; and

14 (2) include:

15 (A) verification that the required number of
16 agreements has been executed;

17 (B) the form and substance of any proposed
18 advertisements, advertising campaigns, or other
19 promotional materials for the program that are
20 available at the time of filing and that have not been
21 filed previously with the Department; and

22 (C) verification that any other license or
23 certificate required by other appropriate State units
24 has been issued to the provider.

25 The Department shall issue the preliminary certificate of
26 registration to a provider or inform the provider of the

1 Department's decision to deny the preliminary certificate of
2 registration no later than 30 days after the provider submits
3 a completed application.

4 (f) The Department shall issue a certificate of
5 registration to a provider under subsection (e) if the
6 Department determines that:

7 (1) the information and documents submitted and
8 application for a preliminary certificate of registration
9 are current and accurate or have been updated to make them
10 accurate;

11 (2) the required agreements have been executed;

12 (3) any other license or certificate required by other
13 appropriate State units has been issued to the provider;

14 (4) the provider has submitted all proposed
15 advertisements, advertising campaigns, and other
16 promotional materials for the program; and

17 (5) the material submitted is not an advertisement,
18 advertising campaign, or other promotional material that
19 is deceptive, misleading, or likely to mislead.

20 If a provider intends to advertise before the Department
21 issues a certificate of registration, the provider shall
22 submit to the Department any advertisement, advertising
23 campaign, or other promotional material before using it.

24 (g) Every 2 years, within 120 days after the end of a
25 provider's fiscal year, a provider shall file an application
26 for a renewal certificate of registration with the Department.

1 The application shall:

2 (A) be filed in a form determined by the
3 Department by rule; and

4 (B) contain any reasonable and pertinent
5 information that the Department requires.

6 The Department shall issue the certificate of registration
7 to a provider or inform the provider of the Department's
8 decision to deny the certificate of registration no later than
9 30 days after the provider submits a completed application.

10 (h) The Department shall issue a renewal certificate of
11 registration under subsection (g) if the Department determines
12 that:

13 (1) all required documents have been filed and are
14 satisfactory;

15 (2) any revised agreements for at-home continuing care
16 services meet the Department's requirements;

17 (3) the provider has submitted all proposed
18 advertisements, advertising campaigns, and other
19 promotional materials for the program; and

20 (4) the form and substance of all advertisements,
21 advertising campaigns, and other promotional materials
22 submitted are not deceptive, misleading, or likely to
23 mislead.

24 The Department shall issue the renewal certificate of
25 registration to a provider, or inform the provider of the
26 Department's decision to deny the renewal certificate of

1 registration, no later than 30 days after the provider submits
2 a completed application.

3 (i) The Department may deny, suspend, or revoke a
4 preliminary, initial, or renewal certificate of registration
5 under this Section for cause. The Department shall set forth
6 in writing its reasons for a denial, suspension, or
7 revocation. A provider may appeal a denial in writing. Grounds
8 for a denial, suspension, or revocation include, but are not
9 limited to:

10 (1) violation of this Section;

11 (2) violation of a rule adopted by the Department
12 under this Section;

13 (3) misrepresentation; or

14 (4) submission of false information.

15 (Source: P.A. 103-332, eff. 1-1-24; 103-605, eff. 7-1-24.)

16 (210 ILCS 40/13 new)

17 Sec. 13. At-home continuing care utilization.

18 (a) A provider is eligible for a certificate of
19 registration when the provider presents the Department with:

20 (1) a reasonable financial plan to provide at-home
21 continuing care services, including a plan for the number
22 of agreements to be executed before beginning operation;

23 (2) a market study for the at-home continuing care
24 program;

25 (3) all proposed advertisements, advertising

1 campaigns, and other promotional materials for the
2 program, such that the form and substance of all
3 advertisements, advertising campaigns, and other
4 promotional materials submitted are not deceptive,
5 misleading, or likely to mislead; and

6 (4) an actuarial forecast that supports the market for
7 the program.

8 (b) A reasonable financial plan to provide at-home
9 continuing care services includes execution of 25% of
10 agreements necessary to meet the year-one actuarial forecast
11 for the market to support the program.

12 (210 ILCS 40/14 new)

13 Sec. 14. Personnel.

14 (a) Each person employed by or under a contract with a
15 provider shall meet each of the following requirements:

16 (1) Be at least 16 years of age, of temperate habits
17 and good moral character, honest, reliable, and
18 trustworthy.

19 (2) Have completed at least eight years of grade
20 school or provide proof of equivalent knowledge.

21 (3) Provide evidence of prior employment or
22 occupation, if any, and residence for two years prior to
23 present employment.

24 (b) A provider shall comply with the Health Care Worker
25 Background Check Act and the Health Care Worker Background

1 Check Code for each person employed by or under a contract with
2 a provider and who will enter a subscriber's home to provide
3 at-home continuing care services.

4 (c) A provider shall check the status of all personnel
5 applicants with the Nurse Aide Registry prior to hiring and
6 shall not hiring any individual who has a finding of abuse,
7 neglect, or misappropriation of property on the Nurse Aide
8 Registry.

9 (d) Prior to employing or contracting with any individual
10 in a position that requires a State professional license in
11 the health care field, the provider shall check the status of
12 the individual's license with the Illinois Department of
13 Financial and Professional Regulation to verify that the
14 individual's license is active."