



## 104TH GENERAL ASSEMBLY

### State of Illinois

### 2025 and 2026

### HB3640

Introduced 2/18/2025, by Rep. Lindsey LaPointe

#### SYNOPSIS AS INTRODUCED:

New Act

210 ILCS 49/1-102

210 ILCS 85/3

210 ILCS 45/1-113

from Ch. 111 1/2, par. 4151-113

210 ILCS 47/1-113

225 ILCS 10/2.06

from Ch. 23, par. 2212.06

Creates the Psychiatric Residential Treatment Facilities (PRTF) Act. Requires the Department of Healthcare and Family Services to establish an Illinois Psychiatric Residential Treatment Facilities (PRTF) program that is family-driven, youth-guided, and trauma-informed, and includes youth and family involvement in all aspects of care planning. Requires the Department to submit a State Plan Amendment, by January 1, 2026, to the Centers for Medicare and Medicaid Services to establish coverage of federally authorized, medically necessary inpatient psychiatric services delivered by a certified PRTF to medical assistance beneficiaries under 21 years of age. Provides that the Department shall adopt rules to implement the PRTF program that at a minimum shall include: (i) certification and participation requirements for PRTF providers in compliance with all applicable federal laws, regulations, requirements, and policies; (ii) monitoring and oversight of PRTF services; (iii) a limit on allowable beds at any one PRTF, not to exceed 40 total beds; and other matters. Requires the Department to establish, and update as needed, a methodology for completing a statewide PRTF capacity analysis for the purposes of identifying capacity needs for PRTF services under the Illinois Medical Assistance Program. Requires the Department to establish a PRTF Advisory Committee responsible for reviewing and providing guidance on the Department's policies and implementations of the PRTF program. Requires the Department to publish on its website counts of reported emergency safety interventions and serious occurrences by State fiscal year and quarter. Makes conforming changes to the Specialized Mental Health Rehabilitation Act of 2013, the Child Care Act of 1969, and other various Acts. Effective immediately.

LRB104 10638 KTG 20715 b

1 AN ACT concerning health care.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Psychiatric Residential Treatment Facilities (PRTF) Act.

6 Section 5. Definitions. As used in this Act:

7 "Department" means the Department of Healthcare and Family  
8 Services.

9 "Emergency safety intervention" means the use of restraint  
10 or seclusion as an immediate response to an emergency safety  
11 situation.

12 "Medical assistance" means health care benefits provided  
13 under the Illinois Medical Assistance Program administered  
14 under Article V of the Illinois Public Aid Code.

15 "Psychiatric residential treatment facility" or "PRTF"  
16 means a facility that is certified by the Department to  
17 provide subacute psychiatric services to individuals under age  
18 21, or to individuals until their 22nd birthday if the  
19 individual was admitted to the PRTF before the individual's  
20 21st birthday as described in 42 CFR 441, Subpart D, or any  
21 successor regulation, in an inpatient setting in accordance  
22 with a provider agreement with the Department. A PRTF is not:

23 (1) a hospital under the Hospital Licensing Act;

1           (2) a child care institution or child care facility  
2           under the Child Care Act of 1969;

3           (3) a nursing home or long-term care facility under  
4           the Nursing Home Care Act;

5           (4) a secure residential youth care facility under the  
6           Secure Residential Youth Care Facility Licensing Act;

7           (5) a specialized mental health rehabilitation  
8           facility under the Specialized Mental Health  
9           Rehabilitation Act of 2013; or

10          (6) any facility or institution required to be  
11          licensed under the ID/DD Community Care Act or the MC/DD  
12          Act.

13          "Serious occurrences" means a serious injury to a resident  
14          as defined in 42 CFR 483.352, or any successor regulation, a  
15          resident's suicide attempt, or a resident's death.

16          "Subacute psychiatric services" means inpatient  
17          psychiatric treatment services provided under the direction of  
18          a physician, in a non-acute (non-hospital) setting, for  
19          individuals under the age of 21 (or for individuals until  
20          their 22nd birthday if admitted to the PRTF before their 21st  
21          birthday) that require intensive services that cannot be  
22          delivered in a community setting. Subacute psychiatric  
23          services are short-term, comprehensive, recovery-oriented  
24          treatment delivered 24 hours a day, 7 days a week, with the  
25          focus of returning children to a less restrictive community  
26          setting as rapidly as possible.

1 Section 10. PRTF services.

2 (a) The Department shall establish an Illinois Psychiatric  
3 Residential Treatment Facilities (PRTF) program that is  
4 family-driven, youth-guided, and trauma-informed, and includes  
5 youth and family involvement in all aspects of care planning.  
6 The Illinois PRTF program design shall establish meaningful  
7 opportunities for youth and families to be involved in the  
8 design, monitoring, and oversight of PRTF services.

9 (b) By January 1, 2026, the Department shall submit a  
10 State Plan Amendment to the Centers for Medicare and Medicaid  
11 Services to establish coverage of federally authorized,  
12 medically necessary inpatient psychiatric services delivered  
13 by a certified PRTF to medical assistance beneficiaries under  
14 21 years of age.

15 (c) The Department shall adopt rules to implement the  
16 Illinois PRTF program. The rules may establish the services,  
17 standards, and requirements for participation in the program  
18 to comply with all applicable federal statutes, regulations,  
19 requirements, and policies. The rules proposed by the  
20 Department may take into consideration the recommendations of  
21 the PRTF Advisory Committee, as outlined in Section 20. At a  
22 minimum, the rules shall include the following:

23 (1) Certification and participation requirements for  
24 PRTF providers in compliance with all applicable federal  
25 laws, regulations, requirements, and policies, including

1 those found at 42 CFR 441, Subpart D and 42 CFR 483,  
2 Subpart G or any successor regulations.

3 (2) Monitoring and oversight of PRTF services,  
4 including on-site review protocols that include scheduled  
5 and unannounced on-site visits. Each provider seeking PRTF  
6 certification shall minimally have an on-site review prior  
7 to initiating services and all PRTFs shall have at least  
8 one on-site review annually thereafter.

9 (3) Utilization management criteria to ensure that  
10 PRTF services are provided as medically necessary and  
11 emphasize clinically appropriate patient transitions back  
12 to the community, including, but not limited to, service  
13 authorization, documentation, and treatment plan  
14 requirements for initial stay reviews and continued stay  
15 reviews.

16 (4) A limit on allowable beds at any one PRTF, not to  
17 exceed 40 total beds, unless waived in writing by the  
18 Director of the Department.

19 (5) A limit on the number of new PRTF facilities to be  
20 certified in any State fiscal year.

21 (6) A requirement that PRTFs are distinct, standalone  
22 non-hospital entities not physically attached or adjacent  
23 to any other type of facility engaged in providing  
24 congregate care.

25 (7) A requirement that, in order to obtain PRTF  
26 certification, providers must undergo a survey from the

1 State Survey Agency, the Department of Public Health, to  
2 establish the provider's compliance with the Conditions of  
3 Participation for PRTFs outlined in 42 CFR 483, Subpart G  
4 and the Interpretive Guidelines issued by the Centers for  
5 Medicare and Medicaid Services.

6 (8) A requirement that, in order to obtain PRTF  
7 certification, providers be accredited from one of the  
8 following organizations identified in 42 CFR 441.151, or  
9 any successor regulations:

10 (i) Joint Commission on Accreditation of  
11 Healthcare Organizations.

12 (ii) The Commission on Accreditation of  
13 Rehabilitation Facilities.

14 (iii) The Council on Accreditation of Services for  
15 Families and Children.

16 (iv) Any other accrediting organization with  
17 comparable standards recognized by the Department.

18 (9) Requirements for the reporting of emergency safety  
19 interventions and serious occurrences to the Department  
20 and the State-designated Protection and Advocacy System no  
21 later than the close of business the next business day  
22 after the intervention or occurrence.

23 Section 15. PRTF capacity analysis.

24 (a) The Department shall establish, and update as needed,  
25 a methodology for completing a statewide PRTF capacity

1 analysis for the purposes of identifying capacity needs for  
2 PRTF services under the Illinois Medical Assistance Program.  
3 The Department shall utilize the PRTF capacity analysis to  
4 inform its certification and enrollment of PRTF providers. The  
5 capacity analysis shall minimally include:

6 (1) An analysis of aggregate service utilization data  
7 for Medicaid eligible individuals under the age of 21,  
8 including community-based services, behavioral health  
9 crisis services, and inpatient psychiatric hospitalization  
10 services.

11 (2) Identification of locations across the State with  
12 demonstrated need for PRTF services and locations with  
13 demonstrated surplus of PRTF service capacity.

14 (3) Consideration of specialized treatment needs based  
15 on increased utilization of out-of-state facilities to  
16 address specialized treatment needs.

17 (4) Other factors of consideration identified by the  
18 Department as necessary to support access to care,  
19 compliance with the federal Medicaid program, and all  
20 other applicable federal or State laws, regulations,  
21 policies, requirements, and programs impacting Illinois'  
22 children's behavioral health service delivery system.

23 (5) Recommendations to the Department and the PRTF  
24 Advisory Committee on capacity needs within the Illinois  
25 PRTF program. The recommendations shall seek to avoid the  
26 concentration of PRTF facilities in any particular

1 community or area of the State to promote access for  
2 families or guardians to visit patients when appropriate.

3 (b) The Department's methodology, completed analyses, and  
4 outcomes shall be published on its website, with an initial  
5 PRTF capacity analysis to be published by no later than  
6 January 1, 2026.

7 (c) The Department's PRTF capacity analysis shall be  
8 updated at a minimum of every 5 years and shall be performed  
9 consistent with the Department's published methodology.

10 Section 20. PRTF Advisory Committee.

11 (a) The Department shall establish a PRTF Advisory  
12 Committee responsible for reviewing and providing guidance on  
13 the Department's policies and implementations of the Illinois  
14 PRTF program. The PRTF Advisory Committee shall be made up of  
15 no more than 12 members, including State agency staff familiar  
16 with children's behavioral health services, and shall  
17 minimally include the following members:

18 (1) the Director of Healthcare and Family Services, or  
19 the Director's designee, who shall also be the Chair of  
20 the Committee;

21 (2) the Director of Public Health, or the Director's  
22 designee;

23 (3) the Secretary of Human Services, or the  
24 Secretary's designee;

25 (4) the Superintendent of the Illinois State Board of

1 Education, or the Superintendent's designee;

2 (5) the Director of Children and Family Services, or  
3 the Director's designee;

4 (6) the Chief Officer for Children's Behavioral Health  
5 Transformation; and

6 (7) external stakeholders that include, at a minimum  
7 each of the following:

8 (i) a psychiatrist, board certified to serve  
9 children and adolescents;

10 (ii) one or more providers of community-based  
11 children's behavioral health services;

12 (iii) one or more individuals representing the  
13 voice of families with children familiar with  
14 Illinois' publicly funded children's behavioral health  
15 system; and

16 (iv) other individuals determined by the  
17 Department to be beneficial to the outcomes of the  
18 Advisory Committee.

19 (b) The PRTF Advisory Committee shall meet on a schedule  
20 and in a format defined by the Chair.

21 (c) The Department may adopt rules to implement this  
22 Section.

23 Section 25. PRTF accountability reporting. For all PRTF  
24 providers certified to participate in the Illinois Medical  
25 Assistance Program, the Department shall publish on its

1 website counts of reported emergency safety interventions and  
2 serious occurrences by State fiscal year and quarter.

3 Section 105. The Specialized Mental Health Rehabilitation  
4 Act of 2013 is amended by changing Section 1-102 as follows:

5 (210 ILCS 49/1-102)

6 Sec. 1-102. Definitions. For the purposes of this Act,  
7 unless the context otherwise requires:

8 "Abuse" means any physical or mental injury or sexual  
9 assault inflicted on a consumer other than by accidental means  
10 in a facility.

11 "Accreditation" means any of the following:

12 (1) the Joint Commission;

13 (2) the Commission on Accreditation of Rehabilitation  
14 Facilities;

15 (3) the Healthcare Facilities Accreditation Program;

16 or

17 (4) any other national standards of care as approved  
18 by the Department.

19 "APRN" means an Advanced Practice Registered Nurse,  
20 nationally certified as a mental health or psychiatric nurse  
21 practitioner and licensed under the Nurse Practice Act.

22 "Applicant" means any person making application for a  
23 license or a provisional license under this Act.

24 "Consumer" means a person, 18 years of age or older,

1 admitted to a mental health rehabilitation facility for  
2 evaluation, observation, diagnosis, treatment, stabilization,  
3 recovery, and rehabilitation.

4 "Consumer" does not mean any of the following:

5 (i) an individual requiring a locked setting;

6 (ii) an individual requiring psychiatric  
7 hospitalization because of an acute psychiatric crisis;

8 (iii) an individual under 18 years of age;

9 (iv) an individual who is actively suicidal or violent  
10 toward others;

11 (v) an individual who has been found unfit to stand  
12 trial and is currently subject to a court order requiring  
13 placement in secure inpatient care in the custody of the  
14 Department of Human Services pursuant to Section 104-17 of  
15 the Code of Criminal Procedure of 1963;

16 (vi) an individual who has been found not guilty by  
17 reason of insanity and is currently subject to a court  
18 order requiring placement in secure inpatient care in the  
19 custody of the Department of Human Services pursuant to  
20 Section 5-2-4 of the Unified Code of Corrections;

21 (vii) an individual subject to temporary detention and  
22 examination under Section 3-607 of the Mental Health and  
23 Developmental Disabilities Code;

24 (viii) an individual deemed clinically appropriate for  
25 inpatient admission in a State psychiatric hospital; and

26 (ix) an individual transferred by the Department of

1 Corrections pursuant to Section 3-8-5 of the Unified Code  
2 of Corrections.

3 "Consumer record" means a record that organizes all  
4 information on the care, treatment, and rehabilitation  
5 services rendered to a consumer in a specialized mental health  
6 rehabilitation facility.

7 "Controlled drugs" means those drugs covered under the  
8 federal Comprehensive Drug Abuse Prevention Control Act of  
9 1970, as amended, or the Illinois Controlled Substances Act.

10 "Department" means the Department of Public Health.

11 "Discharge" means the full release of any consumer from a  
12 facility.

13 "Drug administration" means the act in which a single dose  
14 of a prescribed drug or biological is given to a consumer. The  
15 complete act of administration entails removing an individual  
16 dose from a container, verifying the dose with the  
17 prescriber's orders, giving the individual dose to the  
18 consumer, and promptly recording the time and dose given.

19 "Drug dispensing" means the act entailing the following of  
20 a prescription order for a drug or biological and proper  
21 selection, measuring, packaging, labeling, and issuance of the  
22 drug or biological to a consumer.

23 "Emergency" means a situation, physical condition, or one  
24 or more practices, methods, or operations which present  
25 imminent danger of death or serious physical or mental harm to  
26 consumers of a facility.

1 "Facility" means a specialized mental health  
2 rehabilitation facility that provides at least one of the  
3 following services: (1) triage center; (2) crisis  
4 stabilization; (3) recovery and rehabilitation supports; or  
5 (4) transitional living units for 3 or more persons. The  
6 facility shall provide a 24-hour program that provides  
7 intensive support and recovery services designed to assist  
8 persons, 18 years or older, with mental disorders to develop  
9 the skills to become self-sufficient and capable of increasing  
10 levels of independent functioning. It includes facilities that  
11 meet the following criteria:

12 (1) 100% of the consumer population of the facility  
13 has a diagnosis of serious mental illness;

14 (2) no more than 15% of the consumer population of the  
15 facility is 65 years of age or older;

16 (3) none of the consumers are non-ambulatory;

17 (4) none of the consumers have a primary diagnosis of  
18 moderate, severe, or profound intellectual disability; and

19 (5) the facility must have been licensed under the  
20 Specialized Mental Health Rehabilitation Act or the  
21 Nursing Home Care Act immediately preceding July 22, 2013  
22 (the effective date of this Act) and qualifies as an  
23 institute for mental disease under the federal definition  
24 of the term.

25 "Facility" does not include the following:

26 (1) a home, institution, or place operated by the

1 federal government or agency thereof, or by the State of  
2 Illinois;

3 (2) a hospital, sanitarium, or other institution whose  
4 principal activity or business is the diagnosis, care, and  
5 treatment of human illness through the maintenance and  
6 operation as organized facilities therefor which is  
7 required to be licensed under the Hospital Licensing Act;

8 (3) a facility for child care as defined in the Child  
9 Care Act of 1969;

10 (4) a community living facility as defined in the  
11 Community Living Facilities Licensing Act;

12 (5) a nursing home or sanitarium operated solely by  
13 and for persons who rely exclusively upon treatment by  
14 spiritual means through prayer, in accordance with the  
15 creed or tenets of any well-recognized church or religious  
16 denomination; however, such nursing home or sanitarium  
17 shall comply with all local laws and rules relating to  
18 sanitation and safety;

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

23 (7) a supportive residence licensed under the  
24 Supportive Residences Licensing Act;

25 (8) a supportive living facility in good standing with  
26 the program established under Section 5-5.01a of the

1 Illinois Public Aid Code, except only for purposes of the  
2 employment of persons in accordance with Section 3-206.01  
3 of the Nursing Home Care Act;

4 (9) an assisted living or shared housing establishment  
5 licensed under the Assisted Living and Shared Housing Act,  
6 except only for purposes of the employment of persons in  
7 accordance with Section 3-206.01 of the Nursing Home Care  
8 Act;

9 (10) an Alzheimer's disease management center  
10 alternative health care model licensed under the  
11 Alternative Health Care Delivery Act;

12 (11) a home, institution, or other place operated by  
13 or under the authority of the Illinois Department of  
14 Veterans' Affairs;

15 (12) a facility licensed under the ID/DD Community  
16 Care Act;

17 (13) a facility licensed under the Nursing Home Care  
18 Act after July 22, 2013 (the effective date of this Act);

19 ~~or~~

20 (14) a facility licensed under the MC/DD Act; or ~~-~~

21 (15) a psychiatric residential treatment facility  
22 certified under the Psychiatric Residential Treatment  
23 Facilities (PRTF) Act.

24 "Executive director" means a person who is charged with  
25 the general administration and supervision of a facility  
26 licensed under this Act and who is a licensed nursing home

1 administrator, licensed practitioner of the healing arts, or  
2 qualified mental health professional.

3 "Guardian" means a person appointed as a guardian of the  
4 person or guardian of the estate, or both, of a consumer under  
5 the Probate Act of 1975.

6 "Identified offender" means a person who meets any of the  
7 following criteria:

8 (1) Has been convicted of, found guilty of,  
9 adjudicated delinquent for, found not guilty by reason of  
10 insanity for, or found unfit to stand trial for, any  
11 felony offense listed in Section 25 of the Health Care  
12 Worker Background Check Act, except for the following:

13 (i) a felony offense described in Section 10-5 of  
14 the Nurse Practice Act;

15 (ii) a felony offense described in Section 4, 5,  
16 6, 8, or 17.02 of the Illinois Credit Card and Debit  
17 Card Act;

18 (iii) a felony offense described in Section 5,  
19 5.1, 5.2, 7, or 9 of the Cannabis Control Act;

20 (iv) a felony offense described in Section 401,  
21 401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois  
22 Controlled Substances Act; and

23 (v) a felony offense described in the  
24 Methamphetamine Control and Community Protection Act.

25 (2) Has been convicted of, adjudicated delinquent for,  
26 found not guilty by reason of insanity for, or found unfit

1 to stand trial for any sex offense as defined in  
2 subsection (c) of Section 10 of the Sex Offender  
3 Management Board Act.

4 "Transitional living units" are residential units within a  
5 facility that have the purpose of assisting the consumer in  
6 developing and reinforcing the necessary skills to live  
7 independently outside of the facility. The duration of stay in  
8 such a setting shall not exceed 120 days for each consumer.  
9 Nothing in this definition shall be construed to be a  
10 prerequisite for transitioning out of a facility.

11 "Licensee" means the person, persons, firm, partnership,  
12 association, organization, company, corporation, or business  
13 trust to which a license has been issued.

14 "Misappropriation of a consumer's property" means the  
15 deliberate misplacement, exploitation, or wrongful temporary  
16 or permanent use of a consumer's belongings or money without  
17 the consent of a consumer or his or her guardian.

18 "Neglect" means a facility's failure to provide, or  
19 willful withholding of, adequate medical care, mental health  
20 treatment, psychiatric rehabilitation, personal care, or  
21 assistance that is necessary to avoid physical harm and mental  
22 anguish of a consumer.

23 "Personal care" means assistance with meals, dressing,  
24 movement, bathing, or other personal needs, maintenance, or  
25 general supervision and oversight of the physical and mental  
26 well-being of an individual who is incapable of maintaining a

1 private, independent residence or who is incapable of managing  
2 his or her person, whether or not a guardian has been appointed  
3 for such individual. "Personal care" shall not be construed to  
4 confine or otherwise constrain a facility's pursuit to develop  
5 the skills and abilities of a consumer to become  
6 self-sufficient and capable of increasing levels of  
7 independent functioning.

8 "Recovery and rehabilitation supports" means a program  
9 that facilitates a consumer's longer-term symptom management  
10 and stabilization while preparing the consumer for  
11 transitional living units by improving living skills and  
12 community socialization. The duration of stay in such a  
13 setting shall be established by the Department by rule.

14 "Restraint" means:

15 (i) a physical restraint that is any manual method or  
16 physical or mechanical device, material, or equipment  
17 attached or adjacent to a consumer's body that the  
18 consumer cannot remove easily and restricts freedom of  
19 movement or normal access to one's body; devices used for  
20 positioning, including, but not limited to, bed rails,  
21 gait belts, and cushions, shall not be considered to be  
22 restraints for purposes of this Section; or

23 (ii) a chemical restraint that is any drug used for  
24 discipline or convenience and not required to treat  
25 medical symptoms; the Department shall, by rule, designate  
26 certain devices as restraints, including at least all

1 those devices that have been determined to be restraints  
2 by the United States Department of Health and Human  
3 Services in interpretive guidelines issued for the  
4 purposes of administering Titles XVIII and XIX of the  
5 federal Social Security Act. For the purposes of this Act,  
6 restraint shall be administered only after utilizing a  
7 coercive free environment and culture.

8 "Self-administration of medication" means consumers shall  
9 be responsible for the control, management, and use of their  
10 own medication.

11 "Crisis stabilization" means a secure and separate unit  
12 that provides short-term behavioral, emotional, or psychiatric  
13 crisis stabilization as an alternative to hospitalization or  
14 re-hospitalization for consumers from residential or community  
15 placement. The duration of stay in such a setting shall not  
16 exceed 21 days for each consumer.

17 "Therapeutic separation" means the removal of a consumer  
18 from the milieu to a room or area which is designed to aid in  
19 the emotional or psychiatric stabilization of that consumer.

20 "Triage center" means a non-residential 23-hour center  
21 that serves as an alternative to emergency room care,  
22 hospitalization, or re-hospitalization for consumers in need  
23 of short-term crisis stabilization. Consumers may access a  
24 triage center from a number of referral sources, including  
25 family, emergency rooms, hospitals, community behavioral  
26 health providers, federally qualified health providers, or

1 schools, including colleges or universities. A triage center  
2 may be located in a building separate from the licensed  
3 location of a facility, but shall not be more than 1,000 feet  
4 from the licensed location of the facility and must meet all of  
5 the facility standards applicable to the licensed location. If  
6 the triage center does operate in a separate building, safety  
7 personnel shall be provided, on site, 24 hours per day and the  
8 triage center shall meet all other staffing requirements  
9 without counting any staff employed in the main facility  
10 building.

11 (Source: P.A. 102-1053, eff. 6-10-22; 102-1118, eff. 1-18-23.)

12 Section 110. The Hospital Licensing Act is amended by  
13 changing Section 3 as follows:

14 (210 ILCS 85/3)

15 Sec. 3. As used in this Act:

16 (A) "Hospital" means any institution, place, building,  
17 buildings on a campus, or agency, public or private, whether  
18 organized for profit or not, devoted primarily to the  
19 maintenance and operation of facilities for the diagnosis and  
20 treatment or care of 2 or more unrelated persons admitted for  
21 overnight stay or longer in order to obtain medical, including  
22 obstetric, psychiatric and nursing, care of illness, disease,  
23 injury, infirmity, or deformity.

24 The term "hospital", without regard to length of stay,

1 shall also include:

2 (a) any facility which is devoted primarily to  
3 providing psychiatric and related services and programs  
4 for the diagnosis and treatment or care of 2 or more  
5 unrelated persons suffering from emotional or nervous  
6 diseases;

7 (b) all places where pregnant females are received,  
8 cared for, or treated during delivery irrespective of the  
9 number of patients received; and

10 (c) on and after January 1, 2023, a rural emergency  
11 hospital, as that term is defined under subsection  
12 (kkk)(2) of Section 1861 of the federal Social Security  
13 Act; to provide for the expeditious and timely  
14 implementation of this amendatory Act of the 102nd General  
15 Assembly, emergency rules to implement the changes made to  
16 the definition of "hospital" by this amendatory Act of the  
17 102nd General Assembly may be adopted by the Department  
18 subject to the provisions of Section 5-45 of the Illinois  
19 Administrative Procedure Act.

20 The term "hospital" includes general and specialized  
21 hospitals, tuberculosis sanitarium, mental or psychiatric  
22 hospitals and sanitarium, and includes maternity homes,  
23 lying-in homes, and homes for unwed mothers in which care is  
24 given during delivery.

25 The term "hospital" does not include:

26 (1) any person or institution required to be licensed

1       pursuant to the Nursing Home Care Act, the Specialized  
2       Mental Health Rehabilitation Act of 2013, the ID/DD  
3       Community Care Act, or the MC/DD Act;

4               (2) hospitalization or care facilities maintained by  
5       the State or any department or agency thereof, where such  
6       department or agency has authority under law to establish  
7       and enforce standards for the hospitalization or care  
8       facilities under its management and control;

9               (3) hospitalization or care facilities maintained by  
10       the federal government or agencies thereof;

11              (4) hospitalization or care facilities maintained by  
12       any university or college established under the laws of  
13       this State and supported principally by public funds  
14       raised by taxation;

15              (5) any person or facility required to be licensed  
16       pursuant to the Substance Use Disorder Act;

17              (6) any facility operated solely by and for persons  
18       who rely exclusively upon treatment by spiritual means  
19       through prayer, in accordance with the creed or tenets of  
20       any well-recognized church or religious denomination;

21              (7) an Alzheimer's disease management center  
22       alternative health care model licensed under the  
23       Alternative Health Care Delivery Act; ~~or~~

24              (8) any veterinary hospital or clinic operated by a  
25       veterinarian or veterinarians licensed under the  
26       Veterinary Medicine and Surgery Practice Act of 2004 or

1 maintained by a State-supported or publicly funded  
2 university or college; or -

3 (9) a psychiatric residential treatment facility  
4 certified under the Psychiatric Residential Treatment  
5 Facilities (PRTF) Act.

6 (B) "Person" means the State, and any political  
7 subdivision or municipal corporation, individual, firm,  
8 partnership, corporation, company, association, or joint stock  
9 association, or the legal successor thereof.

10 (C) "Department" means the Department of Public Health of  
11 the State of Illinois.

12 (D) "Director" means the Director of Public Health of the  
13 State of Illinois.

14 (E) "Perinatal" means the period of time between the  
15 conception of an infant and the end of the first month after  
16 birth.

17 (F) "Federally designated organ procurement agency" means  
18 the organ procurement agency designated by the Secretary of  
19 the U.S. Department of Health and Human Services for the  
20 service area in which a hospital is located; except that in the  
21 case of a hospital located in a county adjacent to Wisconsin  
22 which currently contracts with an organ procurement agency  
23 located in Wisconsin that is not the organ procurement agency  
24 designated by the U.S. Secretary of Health and Human Services  
25 for the service area in which the hospital is located, if the  
26 hospital applies for a waiver pursuant to 42 U.S.C.

1 1320b-8(a), it may designate an organ procurement agency  
2 located in Wisconsin to be thereafter deemed its federally  
3 designated organ procurement agency for the purposes of this  
4 Act.

5 (G) "Tissue bank" means any facility or program operating  
6 in Illinois that is certified by the American Association of  
7 Tissue Banks or the Eye Bank Association of America and is  
8 involved in procuring, furnishing, donating, or distributing  
9 corneas, bones, or other human tissue for the purpose of  
10 injecting, transfusing, or transplanting any of them into the  
11 human body. "Tissue bank" does not include a licensed blood  
12 bank. For the purposes of this Act, "tissue" does not include  
13 organs.

14 (H) "Campus", as this term applies to operations, has the  
15 same meaning as the term "campus" as set forth in federal  
16 Medicare regulations, 42 CFR 413.65.

17 (Source: P.A. 102-1118, eff. 1-18-23.)

18 Section 115. The Nursing Home Care Act is amended by  
19 changing Section 1-113 as follows:

20 (210 ILCS 45/1-113) (from Ch. 111 1/2, par. 4151-113)

21 Sec. 1-113. "Facility" or "long-term care facility" means  
22 a private home, institution, building, residence, or any other  
23 place, whether operated for profit or not, or a county home for  
24 the infirm and chronically ill operated pursuant to Division

1 5-21 or 5-22 of the Counties Code, or any similar institution  
2 operated by a political subdivision of the State of Illinois,  
3 which provides, through its ownership or management, personal  
4 care, sheltered care or nursing for 3 or more persons, not  
5 related to the applicant or owner by blood or marriage. It  
6 includes skilled nursing facilities and intermediate care  
7 facilities as those terms are defined in Title XVIII and Title  
8 XIX of the federal Social Security Act. It also includes  
9 homes, institutions, or other places operated by or under the  
10 authority of the Illinois Department of Veterans' Affairs.

11 "Facility" does not include the following:

12 (1) A home, institution, or other place operated by  
13 the federal government or agency thereof, or by the State  
14 of Illinois, other than homes, institutions, or other  
15 places operated by or under the authority of the Illinois  
16 Department of Veterans' Affairs;

17 (2) A hospital, sanitarium, or other institution whose  
18 principal activity or business is the diagnosis, care, and  
19 treatment of human illness through the maintenance and  
20 operation as organized facilities therefor, which is  
21 required to be licensed under the Hospital Licensing Act;

22 (3) Any "facility for child care" as defined in the  
23 Child Care Act of 1969;

24 (4) Any "Community Living Facility" as defined in the  
25 Community Living Facilities Licensing Act;

26 (5) Any "community residential alternative" as defined

1 in the Community Residential Alternatives Licensing Act;

2 (6) Any nursing home or sanatorium operated solely by  
3 and for persons who rely exclusively upon treatment by  
4 spiritual means through prayer, in accordance with the  
5 creed or tenets of any well-recognized church or religious  
6 denomination. However, such nursing home or sanatorium  
7 shall comply with all local laws and rules relating to  
8 sanitation and safety;

9 (7) Any facility licensed by the Department of Human  
10 Services as a community-integrated living arrangement as  
11 defined in the Community-Integrated Living Arrangements  
12 Licensure and Certification Act;

13 (8) Any "Supportive Residence" licensed under the  
14 Supportive Residences Licensing Act;

15 (9) Any "supportive living facility" in good standing  
16 with the program established under Section 5-5.01a of the  
17 Illinois Public Aid Code, except only for purposes of the  
18 employment of persons in accordance with Section 3-206.01;

19 (10) Any assisted living or shared housing  
20 establishment licensed under the Assisted Living and  
21 Shared Housing Act, except only for purposes of the  
22 employment of persons in accordance with Section 3-206.01;

23 (11) An Alzheimer's disease management center  
24 alternative health care model licensed under the  
25 Alternative Health Care Delivery Act;

26 (12) A facility licensed under the ID/DD Community

1 Care Act;

2 (13) A facility licensed under the Specialized Mental  
3 Health Rehabilitation Act of 2013;

4 (14) A facility licensed under the MC/DD Act; ~~or~~

5 (15) A medical foster home, as defined in 38 CFR  
6 17.73, that is under the oversight of the United States  
7 Department of Veterans Affairs; or -

8 (16) A psychiatric residential treatment facility  
9 certified under the Psychiatric Residential Treatment  
10 Facilities (PRTF) Act.

11 (Source: P.A. 98-104, eff. 7-22-13; 99-180, eff. 7-29-15;  
12 99-376, eff. 1-1-16; 99-642, eff. 7-28-16.)

13 Section 120. The ID/DD Community Care Act is amended by  
14 changing Section 1-113 as follows:

15 (210 ILCS 47/1-113)

16 Sec. 1-113. Facility. "ID/DD facility" or "facility"  
17 means an intermediate care facility for persons with  
18 developmental disabilities, whether operated for profit or  
19 not, which provides, through its ownership or management,  
20 personal care or nursing for 3 or more persons not related to  
21 the applicant or owner by blood or marriage. It includes  
22 intermediate care facilities for the intellectually disabled  
23 as the term is defined in Title XVIII and Title XIX of the  
24 federal Social Security Act.

1 "Facility" does not include the following:

2 (1) A home, institution, or other place operated by  
3 the federal government or agency thereof, or by the State  
4 of Illinois, other than homes, institutions, or other  
5 places operated by or under the authority of the Illinois  
6 Department of Veterans' Affairs;

7 (2) A hospital, sanitarium, or other institution whose  
8 principal activity or business is the diagnosis, care, and  
9 treatment of human illness through the maintenance and  
10 operation as organized facilities therefore, which is  
11 required to be licensed under the Hospital Licensing Act;

12 (3) Any "facility for child care" as defined in the  
13 Child Care Act of 1969;

14 (4) Any "community living facility" as defined in the  
15 Community Living Facilities Licensing Act;

16 (5) Any "community residential alternative" as defined  
17 in the Community Residential Alternatives Licensing Act;

18 (6) Any nursing home or sanatorium operated solely by  
19 and for persons who rely exclusively upon treatment by  
20 spiritual means through prayer, in accordance with the  
21 creed or tenets of any well recognized church or religious  
22 denomination. However, such nursing home or sanatorium  
23 shall comply with all local laws and rules relating to  
24 sanitation and safety;

25 (7) Any facility licensed by the Department of Human  
26 Services as a community-integrated living arrangement as

1 defined in the Community-Integrated Living Arrangements  
2 Licensure and Certification Act;

3 (8) Any "supportive residence" licensed under the  
4 Supportive Residences Licensing Act;

5 (9) Any "supportive living facility" in good standing  
6 with the program established under Section 5-5.01a of the  
7 Illinois Public Aid Code, except only for purposes of the  
8 employment of persons in accordance with Section 3-206.01;

9 (10) Any assisted living or shared housing  
10 establishment licensed under the Assisted Living and  
11 Shared Housing Act, except only for purposes of the  
12 employment of persons in accordance with Section 3-206.01;

13 (11) An Alzheimer's disease management center  
14 alternative health care model licensed under the  
15 Alternative Health Care Delivery Act;

16 (12) A home, institution, or other place operated by  
17 or under the authority of the Illinois Department of  
18 Veterans' Affairs; ~~or~~

19 (13) Any MC/DD facility licensed under the MC/DD Act;  
20 or -

21 (14) A psychiatric residential treatment facility  
22 certified under the Psychiatric Residential Treatment  
23 Facilities (PRTF) Act.

24 (Source: P.A. 99-143, eff. 7-27-15; 99-180, eff. 7-29-15;  
25 99-642, eff. 7-28-16.)

1 Section 125. The Child Care Act of 1969 is amended by  
2 changing Section 2.06 as follows:

3 (225 ILCS 10/2.06) (from Ch. 23, par. 2212.06)

4 Sec. 2.06. "Child care institution" means a child care  
5 facility where more than 7 children are received and  
6 maintained for the purpose of providing them with care or  
7 training or both. The term "child care institution" includes  
8 residential schools, primarily serving ambulatory children  
9 with disabilities, and those operating a full calendar year,  
10 but does not include:

11 (a) any State-operated institution for child care  
12 established by legislative action;

13 (b) any juvenile detention or shelter care home  
14 established and operated by any county or child protection  
15 district established under the "Child Protection Act";

16 (c) any institution, home, place or facility operating  
17 under a license pursuant to the Nursing Home Care Act, the  
18 Specialized Mental Health Rehabilitation Act of 2013, the  
19 ID/DD Community Care Act, or the MC/DD Act;

20 (d) any bona fide boarding school in which children  
21 are primarily taught branches of education corresponding  
22 to those taught in public schools, grades one through 12,  
23 or taught in public elementary schools, high schools, or  
24 both elementary and high schools, and which operates on a  
25 regular academic school year basis;

1 (e) any facility licensed as a "group home" as defined  
2 in this Act; ~~or~~

3 (f) any qualified residential treatment program; or ~~-~~

4 (g) any psychiatric residential treatment facility  
5 certified under the Psychiatric Residential Treatment  
6 Facilities (PRTF) Act.

7 (Source: P.A. 103-564, eff. 11-17-23.)

8 Section 999. Effective date. This Act takes effect upon  
9 becoming law.