

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 Life Care Facilities Act is amended by
5 adding Section 10.3 as follows:

6 (210 ILCS 40/10.3 new)

7 Sec. 10.3. Provision of at-home continuing care.

8 (a) The Department shall adopt rules that:

9 (1) establish standards for providers of at-home
10 continuing care;

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

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

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

23 (5) establish standards for the renewal of

1 certificates of registration for providers of at-home
2 continuing care;

3 (6) establish standards for the number of executed
4 agreements necessary to begin operation as a provider of
5 at-home continuing care;

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

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

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

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

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

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

25 (2) a market for the at-home continuing care program
26 exists;

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

4 (4) 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; and

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

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

15 (1) be filed in a form determined by the Department by
16 rule; and

17 (2) include:

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

20 (B) the form and substance of any proposed
21 advertisements, advertising campaigns, or other
22 promotional materials for the program that is
23 available at the time of filing the application and
24 that has not been filed previously with the
25 Department.

26 (d) The Department shall issue a preliminary certificate

1 of registration to a provider under subsection (c) if the
2 Department determines that:

3 (1) the proposed at-home continuing care agreement is
4 satisfactory;

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

8 (3) the form and substance of all advertisements,
9 advertising campaigns, and other promotional materials
10 submitted are not deceptive, misleading, or likely to
11 mislead.

12 (e) A person may not provide at-home continuing care
13 services until the Department issues a certificate of
14 registration to the person. An application for a certificate
15 of registration shall:

16 (1) be filed in a form determined by the Department by
17 rule; and

18 (2) include:

19 (A) verification that the required number of
20 agreements has been executed;

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

26 (C) verification that any other license or

1 certificate required by other appropriate State units
2 has been issued to the provider.

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

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

10 (2) the required agreements have been executed;

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

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

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

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

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

26 The application shall:

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

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

5 (h) The Department shall issue a renewal certificate of
6 registration under subsection (g) if the Department determines
7 that:

8 (1) all required documents have been filed and are
9 satisfactory;

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

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

15 (4) the form and substance of all advertisements,
16 advertising campaigns, and other promotional materials
17 submitted are not deceptive, misleading, or likely to
18 mislead.

19 (i) The Department may deny, suspend, or revoke a
20 preliminary, initial, or renewal certificate of registration
21 under this Section for cause. The Department shall set forth
22 in writing its reasons for a denial, suspension, or
23 revocation. A provider may appeal a denial in writing. Grounds
24 for a denial, suspension, or revocation include, but are not
25 limited to:

26 (1) violation of this Section;

- 1 (2) violation of a rule adopted by the Department
- 2 under this Section;
- 3 (3) misrepresentation; or
- 4 (4) submission of false information.