

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.