

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 Sections 10, 75, and 76 as follows:

6 (210 ILCS 9/10)

7 Sec. 10. Definitions. For purposes of this Act:

8 "Activities of daily living" means eating, dressing,  
9 bathing, toileting, transferring, or personal hygiene.

10 "Assisted living establishment" or "establishment" means a  
11 home, building, residence, or any other place where sleeping  
12 accommodations are provided for at least 3 unrelated adults,  
13 at least 80% of whom are 55 years of age or older and where the  
14 following are provided consistent with the purposes of this  
15 Act:

16 (1) services consistent with a social model that is  
17 based on the premise that the resident's unit in assisted  
18 living and shared housing is his or her own home;

19 (2) community-based residential care for persons who  
20 need assistance with activities of daily living, including  
21 personal, supportive, and intermittent health-related  
22 services available 24 hours per day, if needed, to meet  
23 the scheduled and unscheduled needs of a resident;

1           (3) mandatory services, whether provided directly by  
2           the establishment or by another entity arranged for by the  
3           establishment, with the consent of the resident or  
4           resident's representative; and

5           (4) a physical environment that is a homelike setting  
6           that includes the following and such other elements as  
7           established by the Department: individual living units  
8           each of which shall accommodate small kitchen appliances  
9           and contain private bathing, washing, and toilet  
10          facilities, or private washing and toilet facilities with  
11          a common bathing room readily accessible to each resident.  
12          Units shall be maintained for single occupancy except in  
13          cases in which 2 residents choose to share a unit.  
14          Sufficient common space shall exist to permit individual  
15          and group activities.

16          "Assisted living establishment" or "establishment" does  
17          not mean any of the following:

18               (1) A home, institution, or similar place operated by  
19               the federal government or the State of Illinois.

20               (2) A long term care facility licensed under the  
21               Nursing Home Care Act, a facility licensed under the  
22               Specialized Mental Health Rehabilitation Act of 2013, a  
23               facility licensed under the ID/DD Community Care Act, or a  
24               facility licensed under the MC/DD Act. However, a facility  
25               licensed under any of those Acts may convert distinct  
26               parts of the facility to assisted living. If the facility

1 elects to do so, the facility shall retain the Certificate  
2 of Need for its nursing and sheltered care beds that were  
3 converted.

4 (3) A hospital, sanitarium, or other institution, the  
5 principal activity or business of which is the diagnosis,  
6 care, and treatment of human illness and that is required  
7 to be licensed under the Hospital Licensing Act.

8 (4) A facility for child care as defined in the Child  
9 Care Act of 1969.

10 (5) A community living facility as defined in the  
11 Community Living Facilities Licensing Act.

12 (6) 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 tenants of a well-recognized church or religious  
16 denomination.

17 (7) A facility licensed by the Department of Human  
18 Services as a community-integrated living arrangement as  
19 defined in the Community-Integrated Living Arrangements  
20 Licensure and Certification Act.

21 (8) A supportive residence licensed under the  
22 Supportive Residences Licensing Act.

23 (9) The portion of a life care facility as defined in  
24 the Life Care Facilities Act not licensed as an assisted  
25 living establishment under this Act; a life care facility  
26 may apply under this Act to convert sections of the

1 community to assisted living.

2 (10) A free-standing hospice facility licensed under  
3 the Hospice Program Licensing Act.

4 (11) A shared housing establishment.

5 (12) A supportive living facility as described in  
6 Section 5-5.01a of the Illinois Public Aid Code.

7 "Department" means the Department of Public Health.

8 "Director" means the Director of Public Health.

9 "Emergency situation" means imminent danger of death or  
10 serious physical harm to a resident of an establishment.

11 "Infection control committee" means persons, including an  
12 infection preventionist, who develop and implement policies  
13 governing control of infections and communicable diseases and  
14 are qualified through education, training, experience, or  
15 certification or a combination of such qualifications.

16 "Infection preventionist" means a registered nurse who  
17 develops and implements policies governing control of  
18 infections and communicable diseases and is qualified through  
19 education, training, experience, or certification or a  
20 combination of such qualifications.

21 "License" means any of the following types of licenses  
22 issued to an applicant or licensee by the Department:

23 (1) "Probationary license" means a license issued to  
24 an applicant or licensee that has not held a license under  
25 this Act prior to its application or pursuant to a license  
26 transfer in accordance with Section 50 of this Act.

1           (2) "Regular license" means a license issued by the  
2           Department to an applicant or licensee that is in  
3           substantial compliance with this Act and any rules  
4           promulgated under this Act.

5           "Licensee" means a person, agency, association,  
6           corporation, partnership, or organization that has been issued  
7           a license to operate an assisted living or shared housing  
8           establishment.

9           "Licensed health care professional" means a registered  
10          professional nurse, an advanced practice registered nurse, a  
11          physician assistant, and a licensed practical nurse.

12          "Mandatory services" include the following:

13                 (1) 3 meals per day available to the residents  
14                 prepared by the establishment or an outside contractor;

15                 (2) housekeeping services including, but not limited  
16                 to, vacuuming, dusting, and cleaning the resident's unit;

17                 (3) personal laundry and linen services available to  
18                 the residents provided or arranged for by the  
19                 establishment;

20                 (4) security provided 24 hours each day including, but  
21                 not limited to, locked entrances or building or contract  
22                 security personnel;

23                 (5) an emergency communication response system, which  
24                 is a procedure in place 24 hours each day by which a  
25                 resident can notify building management, an emergency  
26                 response vendor, or others able to respond to his or her

1           need for assistance; and

2           (6) assistance with activities of daily living as  
3           required by each resident.

4           "Negotiated risk" is the process by which a resident, or  
5           his or her representative, may formally negotiate with  
6           providers what risks each are willing and unwilling to assume  
7           in service provision and the resident's living environment.  
8           The provider assures that the resident and the resident's  
9           representative, if any, are informed of the risks of these  
10          decisions and of the potential consequences of assuming these  
11          risks.

12          "Owner" means the individual, partnership, corporation,  
13          association, or other person who owns an assisted living or  
14          shared housing establishment. In the event an assisted living  
15          or shared housing establishment is operated by a person who  
16          leases or manages the physical plant, which is owned by  
17          another person, "owner" means the person who operates the  
18          assisted living or shared housing establishment, except that  
19          if the person who owns the physical plant is an affiliate of  
20          the person who operates the assisted living or shared housing  
21          establishment and has significant control over the day to day  
22          operations of the assisted living or shared housing  
23          establishment, the person who owns the physical plant shall  
24          incur jointly and severally with the owner all liabilities  
25          imposed on an owner under this Act.

26          "Physician" means a person licensed under the Medical

1 Practice Act of 1987 to practice medicine in all of its  
2 branches.

3 "Resident" means a person residing in an assisted living  
4 or shared housing establishment.

5 "Resident's representative" means a person, other than the  
6 owner, agent, or employee of an establishment or of the health  
7 care provider unless related to the resident, designated in  
8 writing by a resident to be his or her representative. This  
9 designation may be accomplished through the Illinois Power of  
10 Attorney Act, pursuant to the guardianship process under the  
11 Probate Act of 1975, or pursuant to an executed designation of  
12 representative form specified by the Department.

13 "Self" means the individual or the individual's designated  
14 representative.

15 "Shared housing establishment" or "establishment" means a  
16 publicly or privately operated free-standing residence for 16  
17 or fewer persons, at least 80% of whom are 55 years of age or  
18 older and who are unrelated to the owners and one manager of  
19 the residence, where the following are provided:

20 (1) services consistent with a social model that is  
21 based on the premise that the resident's unit is his or her  
22 own home;

23 (2) community-based residential care for persons who  
24 need assistance with activities of daily living, including  
25 housing and personal, supportive, and intermittent  
26 health-related services available 24 hours per day, if

1 needed, to meet the scheduled and unscheduled needs of a  
2 resident; and

3 (3) mandatory services, whether provided directly by  
4 the establishment or by another entity arranged for by the  
5 establishment, with the consent of the resident or the  
6 resident's representative.

7 "Shared housing establishment" or "establishment" does not  
8 mean any of the following:

9 (1) A home, institution, or similar place operated by  
10 the federal government or the State of Illinois.

11 (2) A long term care facility licensed under the  
12 Nursing Home Care Act, a facility licensed under the  
13 Specialized Mental Health Rehabilitation Act of 2013, a  
14 facility licensed under the ID/DD Community Care Act, or a  
15 facility licensed under the MC/DD Act. A facility licensed  
16 under any of those Acts may, however, convert sections of  
17 the facility to assisted living. If the facility elects to  
18 do so, the facility shall retain the Certificate of Need  
19 for its nursing beds that were converted.

20 (3) A hospital, sanitarium, or other institution, the  
21 principal activity or business of which is the diagnosis,  
22 care, and treatment of human illness and that is required  
23 to be licensed under the Hospital Licensing Act.

24 (4) A facility for child care as defined in the Child  
25 Care Act of 1969.

26 (5) A community living facility as defined in the



1 Community Living Facilities Licensing Act.

2 (6) A nursing home or sanitarium 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 tenants of a well-recognized church or religious  
6 denomination.

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

11 (8) A supportive residence licensed under the  
12 Supportive Residences Licensing Act.

13 (9) A life care facility as defined in the Life Care  
14 Facilities Act; a life care facility may apply under this  
15 Act to convert sections of the community to assisted  
16 living.

17 (10) A free-standing hospice facility licensed under  
18 the Hospice Program Licensing Act.

19 (11) An assisted living establishment.

20 (12) A supportive living facility as described in  
21 Section 5-5.01a of the Illinois Public Aid Code.

22 "Total assistance" means that staff or another individual  
23 performs the entire activity of daily living without  
24 participation by the resident.

25 (Source: P.A. 99-180, eff. 7-29-15; 100-513, eff. 1-1-18.)

1 (210 ILCS 9/75)

2 Sec. 75. Residency requirements.

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

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

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

13 (1) the person poses a serious threat to himself or  
14 herself or to others;

15 (2) the person is not able to communicate his or her  
16 needs and no resident representative residing in the  
17 establishment, and with a prior relationship to the  
18 person, has been appointed to direct the provision of  
19 services;

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

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

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

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

14          (7) the person requires intravenous therapy or  
15          intravenous feedings unless self-administered or  
16          administered by a qualified, licensed health care  
17          professional;

18          (8) the person requires gastrostomy feedings unless  
19          self-administered or administered by a licensed health  
20          care professional;

21          (9) the person requires insertion, sterile irrigation,  
22          and replacement of catheter, except for routine  
23          maintenance of urinary catheters, unless the catheter care  
24          is self-administered or administered by a licensed health  
25          care professional or a nurse in compliance with education,  
26          certification, and training in catheter care or infection

1 control by the Centers for Disease Control and Prevention  
2 with oversight from an infection preventionist or  
3 infection control committee;

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

7 (11) (blank);

8 (12) the person is a diabetic requiring routine  
9 insulin injections unless the injections are  
10 self-administered or administered by a licensed health  
11 care professional;

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

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

21 (15) other reasons prescribed by the Department by  
22 rule.

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

26 (e) Residency shall be terminated when services available

1 to the resident in the establishment are no longer adequate to  
2 meet the needs of the resident. This provision shall not be  
3 interpreted as limiting the authority of the Department to  
4 require the residency termination of individuals.

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

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

22 (h) For the purposes of items (7) through (10) of  
23 subsection (c), a licensed health care professional may not be  
24 employed by the owner or operator of the establishment, its  
25 parent entity, or any other entity with ownership common to  
26 either the owner or operator of the establishment or parent

1 entity, including but not limited to an affiliate of the owner  
2 or operator of the establishment. Nothing in this Section is  
3 meant to limit a resident's right to choose his or her health  
4 care provider.

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

15 (Source: P.A. 103-444, eff. 1-1-24.)

16 (210 ILCS 9/76)

17 Sec. 76. Vaccinations.

18 (a) Before a prospective resident's admission to an  
19 assisted living establishment or shared housing establishment  
20 that does not provide medication administration as an optional  
21 service, the establishment shall advise the prospective  
22 resident to consult a physician to determine whether the  
23 prospective resident should obtain a vaccination against  
24 pneumococcal pneumonia or influenza, or both.

25 (b) An assisted living establishment or shared housing

1 establishment that provides medication administration as an  
2 optional service shall annually administer or arrange for  
3 administration of a vaccination against influenza to each  
4 resident, in accordance with the recommendations of the  
5 Advisory Committee on Immunization Practices of the Centers  
6 for Disease Control and Prevention that are most recent to the  
7 time of vaccination, unless the vaccination is medically  
8 contraindicated or the resident has refused the vaccine.  
9 Influenza vaccinations for all residents age 65 or over shall  
10 be completed by November 30 of each year or as soon as  
11 practicable if vaccine supplies are not available before  
12 November 1. Residents admitted after November 30, during the  
13 flu season, and until February 1 shall, as medically  
14 appropriate, receive an influenza vaccination prior to or upon  
15 admission or as soon as practicable if vaccine supplies are  
16 not available at the time of the admission, unless the vaccine  
17 is medically contraindicated or the resident has refused the  
18 vaccine. In the event that the Advisory Committee on  
19 Immunization Practices of the Centers for Disease Control and  
20 Prevention determines that dates of administration other than  
21 those stated in this Section are optimal to protect the health  
22 of residents, the Department is authorized to adopt rules to  
23 require vaccinations at those times rather than the times  
24 stated in this Section. An establishment shall document in the  
25 resident's medication record that an annual vaccination  
26 against influenza was administered, arranged, refused, or

1 medically contraindicated.

2 An assisted living establishment or shared housing  
3 establishment that provides medication administration as an  
4 optional service shall administer or arrange for  
5 administration of a pneumococcal vaccination to each resident  
6 who is age 65 or over, in accordance with the recommendations  
7 of the Advisory Committee on Immunization Practices of the  
8 Centers for Disease Control and Prevention, who has not  
9 received this immunization prior to or upon admission to the  
10 establishment, unless the resident refuses the offer for  
11 vaccination or the vaccination is medically contraindicated.  
12 An establishment shall document in each resident's medication  
13 record that a vaccination against pneumococcal pneumonia was  
14 offered and administered, arranged, refused, or medically  
15 contraindicated.

16 An assisted living establishment or shared housing  
17 establishment that provides catheter care to one or more  
18 residents shall designate at least one person as an Infection  
19 Prevention and Control Professional to develop and implement  
20 policies governing control of infections and communicable  
21 diseases. The Infection Prevention and Control Professionals  
22 shall be qualified through education, training, experience, or  
23 certification or a combination of such qualifications. The  
24 Infection Prevention and Control Professional's qualifications  
25 shall be documented and shall be made available for inspection  
26 by the Department. The Department shall adopt rules to



1 implement the changes made by this amendatory Act of the 103rd  
2 General Assembly.

3 (Source: P.A. 93-1003, eff. 8-23-04; 94-429, eff. 8-2-05.)

4 Section 99. Effective date. This Act takes effect July 1,  
5 2025.