



Sen. Dave Syverson

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LRB103 38511 LNS 73592 a

1 AMENDMENT TO HOUSE BILL 5000

2 AMENDMENT NO. _____. Amend House Bill 5000 by replacing
3 everything after the enacting clause with the following:

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

1 based on the premise that the resident's unit in assisted
2 living and shared housing is his or her own home;

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

8 (3) mandatory services, whether provided directly by
9 the establishment or by another entity arranged for by the
10 establishment, with the consent of the resident or
11 resident's representative; and

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

23 "Assisted living establishment" or "establishment" does
24 not mean any of the following:

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

1 (2) A long term care facility licensed under the
2 Nursing Home Care Act, a facility licensed under the
3 Specialized Mental Health Rehabilitation Act of 2013, a
4 facility licensed under the ID/DD Community Care Act, or a
5 facility licensed under the MC/DD Act. However, a facility
6 licensed under any of those Acts may convert distinct
7 parts of the facility to assisted living. If the facility
8 elects to do so, the facility shall retain the Certificate
9 of Need for its nursing and sheltered care beds that were
10 converted.

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

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

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

19 (6) A nursing home or sanitarium operated solely by
20 and for persons who rely exclusively upon treatment by
21 spiritual means through prayer in accordance with the
22 creed or tenants of a well-recognized church or religious
23 denomination.

24 (7) A facility licensed by the Department of Human
25 Services as a community-integrated living arrangement as
26 defined in the Community-Integrated Living Arrangements

1 Licensure and Certification Act.

2 (8) A supportive residence licensed under the
3 Supportive Residences Licensing Act.

4 (9) The portion of a life care facility as defined in
5 the Life Care Facilities Act not licensed as an assisted
6 living establishment under this Act; a life care facility
7 may apply under this Act to convert sections of the
8 community to assisted living.

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

11 (11) A shared housing establishment.

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

14 "Department" means the Department of Public Health.

15 "Director" means the Director of Public Health.

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

18 "Infection control committee" means persons, including an
19 infection preventionist, who develop and implement policies
20 governing control of infections and communicable diseases and
21 are qualified through education, training, experience, or
22 certification or a combination of such qualifications.

23 "Infection preventionist" means a registered nurse who
24 develops and implements policies governing control of
25 infections and communicable diseases and is qualified through
26 education, training, experience, or certification or a

1 combination of such qualifications.

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

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

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

12 "Licensee" means a person, agency, association,
13 corporation, partnership, or organization that has been issued
14 a license to operate an assisted living or shared housing
15 establishment.

16 "Licensed health care professional" means a registered
17 professional nurse, an advanced practice registered nurse, a
18 physician assistant, and a licensed practical nurse.

19 "Mandatory services" include the following:

20 (1) 3 meals per day available to the residents
21 prepared by the establishment or an outside contractor;

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

24 (3) personal laundry and linen services available to
25 the residents provided or arranged for by the
26 establishment;

1 (4) security provided 24 hours each day including, but
2 not limited to, locked entrances or building or contract
3 security personnel;

4 (5) an emergency communication response system, which
5 is a procedure in place 24 hours each day by which a
6 resident can notify building management, an emergency
7 response vendor, or others able to respond to his or her
8 need for assistance; and

9 (6) assistance with activities of daily living as
10 required by each resident.

11 "Negotiated risk" is the process by which a resident, or
12 his or her representative, may formally negotiate with
13 providers what risks each are willing and unwilling to assume
14 in service provision and the resident's living environment.
15 The provider assures that the resident and the resident's
16 representative, if any, are informed of the risks of these
17 decisions and of the potential consequences of assuming these
18 risks.

19 "Owner" means the individual, partnership, corporation,
20 association, or other person who owns an assisted living or
21 shared housing establishment. In the event an assisted living
22 or shared housing establishment is operated by a person who
23 leases or manages the physical plant, which is owned by
24 another person, "owner" means the person who operates the
25 assisted living or shared housing establishment, except that
26 if the person who owns the physical plant is an affiliate of

1 the person who operates the assisted living or shared housing
2 establishment and has significant control over the day to day
3 operations of the assisted living or shared housing
4 establishment, the person who owns the physical plant shall
5 incur jointly and severally with the owner all liabilities
6 imposed on an owner under this Act.

7 "Physician" means a person licensed under the Medical
8 Practice Act of 1987 to practice medicine in all of its
9 branches.

10 "Resident" means a person residing in an assisted living
11 or shared housing establishment.

12 "Resident's representative" means a person, other than the
13 owner, agent, or employee of an establishment or of the health
14 care provider unless related to the resident, designated in
15 writing by a resident to be his or her representative. This
16 designation may be accomplished through the Illinois Power of
17 Attorney Act, pursuant to the guardianship process under the
18 Probate Act of 1975, or pursuant to an executed designation of
19 representative form specified by the Department.

20 "Self" means the individual or the individual's designated
21 representative.

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

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

4 (2) community-based residential care for persons who
5 need assistance with activities of daily living, including
6 housing and personal, supportive, and intermittent
7 health-related services available 24 hours per day, if
8 needed, to meet the scheduled and unscheduled needs of a
9 resident; and

10 (3) mandatory services, whether provided directly by
11 the establishment or by another entity arranged for by the
12 establishment, with the consent of the resident or the
13 resident's representative.

14 "Shared housing establishment" or "establishment" does not
15 mean any of the following:

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

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

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

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

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

9 (6) A nursing home or sanitarium operated solely by
10 and for persons who rely exclusively upon treatment by
11 spiritual means through prayer in accordance with the
12 creed or tenants of a well-recognized church or religious
13 denomination.

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

18 (8) A supportive residence licensed under the
19 Supportive Residences Licensing Act.

20 (9) A life care facility as defined in the Life Care
21 Facilities Act; a life care facility may apply under this
22 Act to convert sections of the community to assisted
23 living.

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

26 (11) An assisted living establishment.

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

3 "Total assistance" means that staff or another individual
4 performs the entire activity of daily living without
5 participation by the resident.

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

7 (210 ILCS 9/75)

8 Sec. 75. Residency requirements.

9 (a) No individual shall be accepted for residency or
10 remain in residence if the establishment cannot provide or
11 secure appropriate services, if the individual requires a
12 level of service or type of service for which the
13 establishment is not licensed or which the establishment does
14 not provide, or if the establishment does not have the staff
15 appropriate in numbers and with appropriate skill to provide
16 such services.

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

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

19 (1) the person poses a serious threat to himself or
20 herself or to others;

21 (2) the person is not able to communicate his or her
22 needs and no resident representative residing in the
23 establishment, and with a prior relationship to the
24 person, has been appointed to direct the provision of
25 services;

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

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

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

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

21 (7) the person requires intravenous therapy or
22 intravenous feedings unless self-administered or
23 administered by a qualified, licensed health care
24 professional;

25 (8) the person requires gastrostomy feedings unless
26 self-administered or administered by a licensed health

1 care professional;

2 (9) the person requires insertion, sterile irrigation,
3 and replacement of catheter, except for routine
4 maintenance of urinary catheters, unless the catheter care
5 is self-administered or administered by a licensed health
6 care professional or a nurse in compliance with education,
7 certification, and training in catheter care or infection
8 control by the Centers for Disease Control and Prevention
9 with oversight from an infection preventionist or
10 infection control committee;

11 (10) the person requires sterile wound care unless
12 care is self-administered or administered by a licensed
13 health care professional;

14 (11) (blank);

15 (12) the person is a diabetic requiring routine
16 insulin injections unless the injections are
17 self-administered or administered by a licensed health
18 care professional;

19 (13) the person requires treatment of stage 3 or stage
20 4 decubitus ulcers or exfoliative dermatitis;

21 (14) the person requires 5 or more skilled nursing
22 visits per week for conditions other than those listed in
23 items (13) and (15) of this subsection for a period of 3
24 consecutive weeks or more except when the course of
25 treatment is expected to extend beyond a 3 week period for
26 rehabilitative purposes and is certified as temporary by a

1 physician; or

2 (15) other reasons prescribed by the Department by
3 rule.

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

7 (e) Residency shall be terminated when services available
8 to the resident in the establishment are no longer adequate to
9 meet the needs of the resident. This provision shall not be
10 interpreted as limiting the authority of the Department to
11 require the residency termination of individuals.

12 (f) Subsection (d) of this Section shall not apply to
13 terminally ill residents who receive or would qualify for
14 hospice care and such care is coordinated by a hospice program
15 licensed under the Hospice Program Licensing Act or other
16 licensed health care professional employed by a licensed home
17 health agency and the establishment and all parties agree to
18 the continued residency.

19 (g) Items (3), (4), (5), and (9) of subsection (c) shall
20 not apply to a quadriplegic, paraplegic, or individual with
21 neuro-muscular diseases, such as muscular dystrophy and
22 multiple sclerosis, or other chronic diseases and conditions
23 as defined by rule if the individual is able to communicate his
24 or her needs and does not require assistance with complex
25 medical problems, and the establishment is able to accommodate
26 the individual's needs. The Department shall prescribe rules

1 pursuant to this Section that address special safety and
2 service needs of these individuals.

3 (h) For the purposes of items (7) through (10) of
4 subsection (c), a licensed health care professional may not be
5 employed by the owner or operator of the establishment, its
6 parent entity, or any other entity with ownership common to
7 either the owner or operator of the establishment or parent
8 entity, including but not limited to an affiliate of the owner
9 or operator of the establishment. Nothing in this Section is
10 meant to limit a resident's right to choose his or her health
11 care provider.

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

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

23 (210 ILCS 9/76)

24 Sec. 76. Vaccinations.

25 (a) Before a prospective resident's admission to an

1 assisted living establishment or shared housing establishment
2 that does not provide medication administration as an optional
3 service, the establishment shall advise the prospective
4 resident to consult a physician to determine whether the
5 prospective resident should obtain a vaccination against
6 pneumococcal pneumonia or influenza, or both.

7 (b) An assisted living establishment or shared housing
8 establishment that provides medication administration as an
9 optional service shall annually administer or arrange for
10 administration of a vaccination against influenza to each
11 resident, in accordance with the recommendations of the
12 Advisory Committee on Immunization Practices of the Centers
13 for Disease Control and Prevention that are most recent to the
14 time of vaccination, unless the vaccination is medically
15 contraindicated or the resident has refused the vaccine.
16 Influenza vaccinations for all residents age 65 or over shall
17 be completed by November 30 of each year or as soon as
18 practicable if vaccine supplies are not available before
19 November 1. Residents admitted after November 30, during the
20 flu season, and until February 1 shall, as medically
21 appropriate, receive an influenza vaccination prior to or upon
22 admission or as soon as practicable if vaccine supplies are
23 not available at the time of the admission, unless the vaccine
24 is medically contraindicated or the resident has refused the
25 vaccine. In the event that the Advisory Committee on
26 Immunization Practices of the Centers for Disease Control and

1 Prevention determines that dates of administration other than
2 those stated in this Section are optimal to protect the health
3 of residents, the Department is authorized to adopt rules to
4 require vaccinations at those times rather than the times
5 stated in this Section. An establishment shall document in the
6 resident's medication record that an annual vaccination
7 against influenza was administered, arranged, refused, or
8 medically contraindicated.

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

23 An assisted living establishment or shared housing
24 establishment that provides catheter care to one or more
25 residents shall designate at least one person as an Infection
26 Prevention and Control Professional to develop and implement

1 policies governing control of infections and communicable
2 diseases. The Infection Prevention and Control Professionals
3 shall be qualified through education, training, experience, or
4 certification or a combination of such qualifications. The
5 Infection Prevention and Control Professional's qualifications
6 shall be documented and shall be made available for inspection
7 by the Department. The Department shall adopt rules to
8 implement the changes made by this amendatory Act of the 103rd
9 General Assembly.

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

11 Section 99. Effective date. This Act takes effect July 1,
12 2025."