

1 AN ACT concerning assisted living.

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 25, 35, 75, and 150 and adding  
6 Section 32 as follows:

7 (210 ILCS 9/25)

8 Sec. 25. License requirement. No person may establish,  
9 operate, maintain, or offer an establishment as an assisted  
10 living establishment or shared housing establishment as  
11 defined by the Act within this State unless and until he or  
12 she obtains a valid license, which remains unsuspended,  
13 unrevoked, and unexpired. No public official, agent, or  
14 employee may place any person in, or recommend that any  
15 person be placed in, or directly or indirectly cause any  
16 person to be placed in any establishment that meets the  
17 definition under this Act that is being operated without a  
18 valid license. No public official, agent, or employee may  
19 place the name of an unlicensed establishment that is  
20 required to be licensed under this Act on a list of programs.

21 An entity that operates as an assisted living or shared  
22 housing establishment as defined by this Act without a  
23 license shall be subject to the provisions, including  
24 penalties, of the Nursing Home Care Act. No entity shall use  
25 in its name or advertise "assisted living" unless licensed as  
26 an assisted living establishment under this Act or as a  
27 shelter care facility under the Nursing Home Care Act that  
28 also meets the definition of an assisted living establishment  
29 under this Act, except a shared housing establishment  
30 licensed under this Act may advertise assisted living  
31 services.

1 (Source: P.A. 91-656, eff. 1-1-01.)

2 (210 ILCS 9/32 new)

3 Sec. 32. Floating license. An establishment (i) in which  
4 80% of the residents are at least 55 years of age or older,  
5 (ii) that is operated as housing for the elderly, and (iii)  
6 that meets the construction and operating standards contained  
7 in Section 20 of this Act may request a floating license for  
8 any number of individual living units within the  
9 establishment up to, but not including, total capacity. An  
10 establishment requesting a floating license must specify the  
11 number of individual living units within the establishment to  
12 be licensed. Living units designated by the establishment as  
13 a licensed living unit shall, for the purposes of this  
14 Section, be referred to as a licensed living unit. An  
15 establishment utilizing a floating license must have staff  
16 adequate to meet the scheduled and unscheduled needs of the  
17 residents residing in licensed living units within the  
18 establishment. All staff providing services to licensed  
19 living units must meet the requirements of this Act and its  
20 rules. A living unit may only be designated as a licensed  
21 unit if the living unit and the living unit's resident meet  
22 the requirements of this Act and its rules. All mandatory  
23 services must be made available to residents of licensed  
24 living units, and residents of licensed living units may  
25 receive any optional services permitted under the  
26 establishment's license. Establishments may only provide  
27 services under this Act in the individual living units  
28 designated as licensed units. Designation as a licensed unit  
29 may be temporary to accommodate a resident's changing needs  
30 without requiring the resident to move.

31 An establishment with a floating license must keep a  
32 current written list of those units designated under the  
33 floating license. If a resident elects to receive services

1 in a unit that is not licensed and the unit qualifies for  
 2 licensure, the establishment must notify the resident that  
 3 the unit must be licensed and the requirements of this Act  
 4 must be met before services can be provided to residents in  
 5 that unit. Upon the initiation of an initial licensing  
 6 inspection, annual inspection, or complaint investigation,  
 7 the establishment shall provide to the Department a list of  
 8 the units designated under the floating license in which  
 9 residents are receiving services subject to this Act.

10 (210 ILCS 9/35)

11 Sec. 35. Issuance of license.

12 (a) Upon receipt and review of an application for a  
 13 license and review of the applicant establishment, the  
 14 Director may issue a license if he or she finds:

15 (1) that the individual applicant, or the  
 16 corporation, partnership, or other entity if the  
 17 applicant is not an individual, is a person responsible  
 18 and suitable to operate or to direct or participate in  
 19 the operation of an establishment by virtue of financial  
 20 capacity, appropriate business or professional  
 21 experience, a record of lawful compliance with lawful  
 22 orders of the Department and lack of revocation of a  
 23 license issued under this Act or the Nursing Home Care  
 24 Act during the previous 5 years;

25 (2) that the establishment is under the supervision  
 26 of a full-time director who is at least 21 years of age  
 27 with ability, training, and education appropriate to meet  
 28 the needs of the residents and to manage the operations  
 29 of the establishment and who participates in ongoing  
 30 training for these purposes;

31 (3) that the establishment has staff sufficient in  
 32 number with qualifications, adequate skills, education,  
 33 and experience to meet the 24 hour scheduled and

1           unscheduled needs of residents and who participate in  
2           ongoing training to serve the resident population;

3           (4) that direct care staff meet the requirements of  
4           the Health Care Worker Background Check Act;

5           (5) that the applicant is in substantial compliance  
6           with this Act and such other requirements for a license  
7           as the Department by rule may establish under this Act;

8           (6) that the applicant pays all required fees;

9           (7) that the applicant has provided to the  
10          Department an accurate disclosure document in accordance  
11          with the Alzheimer's Special Care Disclosure Act and in  
12          substantial compliance with Section 150 of this Act.

13          Any license issued by the Director shall state the  
14          physical location of the establishment, the date the license  
15          was issued, and the expiration date. All licenses shall be  
16          valid for one year, except as provided in Section 40. Each  
17          license shall be issued only for the premises and persons  
18          named in the application, and shall not be transferable or  
19          assignable.

20          (Source: P.A. 91-656, eff. 1-1-01.)

21          (210 ILCS 9/75)

22          Sec. 75. Residency Requirements.

23          (a) No individual shall be accepted for residency or  
24          remain in residence if the establishment cannot provide or  
25          secure appropriate services, if the individual requires a  
26          level of service or type of service for which the  
27          establishment is not licensed or which the establishment does  
28          not provide, or if the establishment does not have the staff  
29          appropriate in numbers and with appropriate skill to provide  
30          such services.

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

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

33                 (1) the person poses a serious threat to himself or

1 herself or to others;

2 (2) the person is not able to communicate his or  
3 her needs and no resident representative residing in the  
4 establishment, and with a prior relationship to the  
5 person, has been appointed to direct the provision of  
6 services;

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

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

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

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

27 (7) the person requires intravenous therapy or  
28 intravenous feedings unless self-administered or  
29 administered by a qualified, licensed health care  
30 professional;

31 (8) the person requires gastrostomy feedings unless  
32 self-administered or administered by a licensed health  
33 care professional;

34 (9) the person requires insertion, sterile

1 irrigation, and replacement of catheter, except for  
2 routine maintenance of urinary catheters, unless the  
3 catheter care is self-administered or administered by a  
4 licensed health care professional;

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

8 (11) the person requires sliding scale insulin  
9 administration unless self-performed or administered by a  
10 licensed health care professional;

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

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

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

24 (15) other reasons prescribed by the Department by  
25 rule.

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

29 (e) Residency shall be terminated when services  
30 available to the resident in the establishment are no longer  
31 adequate to meet the needs of the resident. This provision  
32 shall not be interpreted as limiting the authority of the  
33 Department to require the residency termination of  
34 individuals.

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

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

18 (h) For the purposes of items (7) through (11) of  
 19 subsection (c), a licensed health care professional may not  
 20 be employed by the owner or operator of the establishment,  
 21 its parent entity, or any other entity with ownership common  
 22 to either the owner or operator of the establishment or  
 23 parent entity, including but not limited to an affiliate of  
 24 the owner or operator of the establishment. Nothing in this  
 25 Section is meant to limit a resident's right to choose his or  
 26 her health care provider.

27 (Source: P.A. 91-656, eff. 1-1-01.)

28 (210 ILCS 9/150)

29 Sec. 150. Alzheimer and dementia programs.

30 (a) In addition to ~~Except-as-provided-in~~ this Section,  
 31 Alzheimer and dementia programs shall comply with all of the  
 32 other provisions of this Act.

33 (b) No person shall be admitted or retained if the

1 assisted living or shared housing establishment cannot  
2 provide or secure appropriate care, if the resident requires  
3 a level of service or type of service for which the  
4 establishment is not licensed or which the establishment does  
5 not provide, or if the establishment does not have the staff  
6 appropriate in numbers and with appropriate skill to provide  
7 such services.

8 (c) No person shall be accepted for residency or remain  
9 in residence if the person's mental or physical condition has  
10 so deteriorated to render residency in such a program to be  
11 detrimental to the health, welfare or safety of the person or  
12 of other residents of the establishment. The Department by  
13 rule shall identify a validated dementia-specific standard  
14 with inter-rater reliability that will be used to assess  
15 individual residents. The assessment must be approved by the  
16 resident's physician and shall occur prior to acceptance for  
17 residency, annually, and at such time that a change in the  
18 resident's condition is identified by a family member, staff  
19 of the establishment, or the resident's physician.

20 (d) No person shall be accepted for residency or remain  
21 in residence if the person is dangerous to self or others and  
22 the establishment would be unable to eliminate the danger  
23 through the use of appropriate treatment modalities.

24 (e) No person shall be accepted for residency or remain  
25 in residence if the person meets the criteria provided in  
26 subsections (b) through (g) of Section 75 of this Act.

27 (f) An establishment that offers to provide a special  
28 program or unit for persons with Alzheimer's disease and  
29 related disorders shall:

30 (1) disclose to the Department and to a potential  
31 or actual resident of the establishment information as  
32 specified under the Alzheimer's Special Care Disclosure  
33 Act;

34 (2) ensure that a resident's representative is



1 designated for the resident;

2 (3) develop and implement policies and procedures  
3 that ensure the continued safety of all residents in the  
4 establishment including, but not limited to, those who:

5 (A) may wander; and

6 (B) may need supervision and assistance when  
7 evacuating the building in an emergency;

8 (4) provide coordination of communications with  
9 each resident, resident's representative, relatives and  
10 other persons identified in the resident's service plan;

11 (5) provide cognitive stimulation and activities to  
12 maximize functioning;

13 (6) provide an appropriate number of staff for its  
14 resident population, as established by rule;

15 (7) require the director or administrator and  
16 direct care staff to complete sufficient comprehensive  
17 and ongoing dementia and cognitive deficit training, the  
18 content of which shall be established by rule; and

19 (8) develop emergency procedures and staffing  
20 patterns to respond to the needs of residents.

21 (Source: P.A. 91-656, eff. 1-1-01.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.