



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**HB4385**

Introduced 02/03/04, by Gary Hannig

**SYNOPSIS AS INTRODUCED:**

210 ILCS 9/75

Amends the Assisted Living and Shared Housing Act. Eliminates a provision restricting an assisted living establishment's employment of health care professionals in connection with prohibited acceptance of persons for residency in such an establishment if they require intravenous therapy or certain other health care services.

LRB093 14575 DRJ 40070 b

1 AN ACT concerning health facilities

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 Section 75 as follows:

6 (210 ILCS 9/75)

7 Sec. 75. Residency Requirements.

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

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

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

17 (1) the person poses a serious threat to himself or  
18 herself or to others;

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

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

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

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

30 (6) the person has a severe mental illness, which for  
31 the purposes of this Section means a condition that is  
32 characterized by the presence of a major mental disorder as

1 classified in the Diagnostic and Statistical Manual of  
2 Mental Disorders, Fourth Edition (DSM-IV) (American  
3 Psychiatric Association, 1994), where the individual is  
4 substantially disabled due to mental illness in the areas  
5 of self-maintenance, social functioning, activities of  
6 community living and work skills, and the disability  
7 specified is expected to be present for a period of not  
8 less than one year, but does not mean Alzheimer's disease  
9 and other forms of dementia based on organic or physical  
10 disorders;

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

15 (8) the person requires gastrostomy feedings unless  
16 self-administered or administered by a licensed health  
17 care professional;

18 (9) the person requires insertion, sterile irrigation,  
19 and replacement of catheter, except for routine  
20 maintenance of urinary catheters, unless the catheter care  
21 is self-administered or administered by a licensed health  
22 care professional;

23 (10) the person requires sterile wound care unless care  
24 is self-administered or administered by a licensed health  
25 care professional;

26 (11) the person requires sliding scale insulin  
27 administration unless self-performed or administered by a  
28 licensed health care professional;

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

32 (13) the person requires treatment of stage 3 or stage  
33 4 decubitus ulcers or exfoliative dermatitis;

34 (14) the person requires 5 or more skilled nursing  
35 visits per week for conditions other than those listed in  
36 items (13) and (15) of this subsection for a period of 3

1 consecutive weeks or more except when the course of  
2 treatment is expected to extend beyond a 3 week period for  
3 rehabilitative purposes and is certified as temporary by a  
4 physician; or

5 (15) other reasons prescribed by the Department by  
6 rule.

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

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

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

22 (g) Items (3), (4), (5), and (9) of subsection (c) shall  
23 not apply to a quadriplegic, paraplegic, or individual with  
24 neuro-muscular diseases, such as muscular dystrophy and  
25 multiple sclerosis, or other chronic diseases and conditions as  
26 defined by rule if the individual is able to communicate his or  
27 her needs and does not require assistance with complex medical  
28 problems, and the establishment is able to accommodate the  
29 individual's needs. The Department shall prescribe rules  
30 pursuant to this Section that address special safety and  
31 service needs of these individuals.

32 ~~(h) For the purposes of items (7) through (11) of~~  
33 ~~subsection (c), a licensed health care professional may not be~~  
34 ~~employed by the owner or operator of the establishment, its~~  
35 ~~parent entity, or any other entity with ownership common to~~  
36 ~~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 (Source: P.A. 93-141, eff. 7-10-03.)