



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1646

Introduced 2/22/2007, by Rep. Kathleen A. Ryg

SYNOPSIS AS INTRODUCED:

210 ILCS 9/75

Amends the Assisted Living and Shared Housing Act. Provides that for the purposes of certain categories of persons who may not be accepted for residency in an establishment, a licensed health care professional may (instead of may not) be employed by the owner or operator of the establishment, its parent entity, or any other entity with ownership common to either the owner or operator of the establishment or parent entity, including but not limited to an affiliate of the owner or operator of the establishment. Effective immediately.

LRB095 09425 DRJ 29622 b

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 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

1 activities of daily living;

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

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

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

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

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

1 (9) the person requires insertion, sterile irrigation,
2 and replacement of catheter, except for routine
3 maintenance of urinary catheters, unless the catheter care
4 is self-administered or administered by a licensed health
5 care professional;

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

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

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

15 (13) the person requires treatment of stage 3 or stage
16 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 for
22 rehabilitative purposes and is certified as temporary by a
23 physician; or

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

26 (d) A resident with a condition listed in items (1) through

1 (15) of subsection (c) shall have his or her residency
2 terminated.

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

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

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

25 (h) For the purposes of items (7) through (10) of
26 subsection (c), a licensed health care professional may ~~not~~ be

1 employed by the owner or operator of the establishment, its
2 parent entity, or any other entity with ownership common to
3 either the owner or operator of the establishment or parent
4 entity, including but not limited to an affiliate of the owner
5 or operator of the establishment. Nothing in this Section is
6 meant to limit a resident's right to choose his or her health
7 care provider.

8 (Source: P.A. 93-141, eff. 7-10-03; 94-256, eff. 7-19-05;
9 94-570, eff. 8-12-05; revised 8-19-05.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.