



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1775

Introduced 2/23/2007, by Rep. John E. Bradley

SYNOPSIS AS INTRODUCED:

210 ILCS 9/22 new
210 ILCS 9/125

Amends the Assisted Living and Shared Housing Act. Provides that before commencing construction of a new establishment or specified types of alterations or additions to an existing assisted living or shared housing establishment involving major construction, as defined by rule by the Department of Public Health, architectural drawings and specifications for the facility shall be submitted to the Department for review and approval. Requires final approval of the drawings and specifications for compliance with design and construction standards before the alteration, addition, or new construction is begun. Provides for submission of additional information and for reconsideration of a disapproval by the Department. Provides for fees in connection with the Department's review of drawings and specifications, and requires the deposit of fees into the Health Facility Plan Review Fund. Provides for appointment of Assisted Living and Shared Housing Standards and Quality of Life Advisory Board members by the Director of Public Health instead of the Governor. Effective immediately.

LRB095 07137 DRJ 27264 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 125 and by adding Section 22 as
6 follows:

7 (210 ILCS 9/22 new)

8 Sec. 22. Review of establishment plan involving major
9 construction; fees.

10 (a) Before commencing construction of a new establishment
11 or specified types of alterations or additions to an existing
12 assisted living or shared housing establishment involving
13 major construction, as defined by rule by the Department,
14 architectural drawings and specifications for the facility
15 shall be submitted to the Department for review and approval.
16 An establishment may submit architectural drawings and
17 specifications for other construction projects for Department
18 review according to subsection (b) that shall not be subject to
19 fees under subsection (d). Review of drawings and
20 specifications shall be conducted by an employee of the
21 Department meeting the qualifications established by the
22 Department of Central Management Services class specifications
23 for such an individual's position or by a person contracting

1 with the Department who meets those class specifications. Final
2 approval of the drawings and specifications for compliance with
3 design and construction standards shall be obtained from the
4 Department before the alteration, addition, or new
5 construction is begun.

6 (b) Within 10 working days after receiving drawings and
7 specifications and the required fee, if any, from an applicant,
8 the Department shall inform the applicant in writing whether
9 the applicant's submission is complete or incomplete. Failure
10 to provide the applicant with this notice within 10 working
11 days shall result in the submission being deemed complete for
12 purposes of initiating the 60-day review period under this
13 Section. If the submission is incomplete, the Department shall
14 inform the applicant of the deficiencies with the submission in
15 writing. If the submission is complete and the required fee, if
16 any, has been paid, the Department shall approve or disapprove
17 drawings and specifications submitted to the Department no
18 later than 60 days following receipt by the Department. The
19 drawings and specifications must be of sufficient detail, as
20 provided by this Section and Department rule, to enable the
21 Department to render a determination of compliance with design
22 and construction standards under this Act. If the Department
23 finds that the drawings are not of sufficient detail for it to
24 render a determination of compliance, the plans shall be
25 determined to be incomplete and shall not be considered for
26 purposes of initiating the 60-day review period. If a

1 submission of drawings and specifications is incomplete, the
2 applicant may submit additional information. The 60-day review
3 period shall not commence until the Department determines that
4 a submission of drawings and specifications is complete or the
5 submission is deemed complete. If the Department has not
6 approved or disapproved the drawings and specifications within
7 60 days, the construction, major alteration, or addition shall
8 be deemed approved. If the drawings and specifications are
9 disapproved, the Department shall state in writing, with
10 specificity, the reasons for the disapproval. The entity
11 submitting the drawings and specifications may submit
12 additional information in response to the written comments from
13 the Department or request a reconsideration of the disapproval.
14 A final decision of approval or disapproval shall be made
15 within 45 days after the receipt of the additional information
16 or reconsideration request. If approval is denied, the
17 Department shall state the specific reasons for the denial.

18 (c) The Department shall provide written approval for
19 occupancy pursuant to subsection (f) and shall not issue a
20 violation to an establishment as a result of a licensure or
21 complaint survey based upon the establishment's physical
22 structure if:

23 (1) the Department reviewed and approved or deemed
24 approved the drawings and specifications for compliance
25 with design and construction standards;

26 (2) the construction, major alteration, or addition

1 was built as submitted;

2 (3) the law or rules have not been amended since the
3 original approval; and

4 (4) the conditions at the establishment indicate that
5 there is a reasonable degree of safety provided for the
6 residents.

7 (d) The fees for plan review shall be set by the Department
8 by administrative rule and shall be reasonably adequate to
9 support the Assisted Living and Shared Housing program. The
10 Department shall not commence a review under this Section until
11 the applicable fee has been paid.

12 (e) All fees received by the Department under this Section
13 shall be deposited into the Health Facility Plan Review Fund.
14 All fees paid by assisted living and shared housing
15 establishments under subsection (d) shall be used only to cover
16 the costs relating to the Department's review of assisted
17 living and shared housing establishment projects under this
18 Section. Moneys shall be appropriated from the Fund to the
19 Department only to pay the costs of conducting reviews under
20 this Section. None of the moneys in the Health Facility Plan
21 Review Fund shall be used to reduce the amount of General
22 Revenue Fund moneys appropriated to the Department for
23 establishment plan reviews conducted under this Section.

24 (f) The Department shall conduct an on-site inspection of a
25 completed project no later than 30 days after notification from
26 the applicant that the project has been completed and all

1 certifications required by the Department have been received
2 and accepted by the Department. The Department shall provide
3 written approval for occupancy to the applicant within 5
4 working days after the Department's final inspection, provided
5 that the applicant has demonstrated substantial compliance as
6 defined by Department rule. Occupancy of new major construction
7 is prohibited until Department approval is received, unless the
8 Department has not acted within the time frames provided in
9 this subsection (f), in which case the construction shall be
10 deemed approved. Occupancy shall be authorized after any
11 required health inspection by the Department has been
12 conducted.

13 (g) The Department shall establish, by rule, a procedure to
14 conduct interim on-site reviews of large or complex
15 construction projects.

16 (h) The Department shall establish, by rule, an expedited
17 process for emergency repairs or for the replacement of
18 equipment with similar equipment.

19 (i) Nothing in this Section shall be construed to apply to
20 maintenance, upkeep, or renovation that does not affect the
21 structural integrity of a building, does not add beds or
22 services over the number for which an assisted living or shared
23 housing establishment is licensed, and provides a reasonable
24 degree of safety for the residents.

1 Sec. 125. Assisted Living and Shared Housing Standards and
2 Quality of Life Advisory Board.

3 (a) The Director ~~Governor~~ shall appoint the Assisted Living
4 and Shared Housing Standards and Quality of Life Advisory Board
5 which shall be responsible for advising the Director in all
6 aspects of the administration of the Act. The Board shall give
7 advice to the Department concerning activities of the assisted
8 living ombudsman and all other matters deemed relevant by the
9 Director and to the Director concerning the delivery of
10 personal care services, the unique needs and concerns of
11 seniors residing in housing projects, and all other issues
12 affecting the quality of life of residents.

13 (b) The Board shall be comprised of the following persons:

14 (1) the Director who shall serve as chair, ex officio
15 and nonvoting;

16 (2) the Director of Aging who shall serve as
17 vice-chair, ex officio and nonvoting;

18 (3) one representative each of the Departments of
19 Public Health, Healthcare and Family Services ~~Public Aid~~,
20 and Human Services, the Office of the State Fire Marshal,
21 and the Illinois Housing Development Authority, and 2
22 representatives of the Department on Aging, all nonvoting
23 members;

24 (4) the State Ombudsman or his or her designee;

25 (5) one representative of the Association of Area
26 Agencies on Aging;

1 (6) four members selected from the recommendations by
2 provider organizations whose membership consist of nursing
3 care or assisted living establishments;

4 (7) one member selected from the recommendations of
5 provider organizations whose membership consists of home
6 health agencies;

7 (8) two residents of assisted living or shared housing
8 establishments;

9 (9) three members selected from the recommendations of
10 consumer organizations which engage solely in advocacy or
11 legal representation on behalf of the senior population;

12 (10) one member who shall be a physician;

13 (11) one member who shall be a registered professional
14 nurse selected from the recommendations of professional
15 nursing associations;

16 (12) two citizen members with expertise in the area of
17 gerontology research or legal research regarding
18 implementation of assisted living statutes;

19 (13) two members representing providers of community
20 care services; and

21 (14) one member representing agencies providing case
22 coordination services.

23 (c) Members of the Board appointed under paragraphs (5)
24 through (14) of subsection (b) shall be appointed to serve for
25 terms of 3 years except as otherwise provided in this Section.
26 All members shall be appointed by January 1, 2001, except that

1 the 2 members representing the Department on Aging appointed
2 under paragraph (3) of subsection (b) and the members appointed
3 under paragraphs (13) and (14) of subsection (b) shall be
4 appointed by January 1, 2005. One third of the Board members'
5 initial terms shall expire in one year; one third in 2 years,
6 and one third in 3 years. Of the 3 members appointed under
7 paragraphs (13) and (14) of subsection (b), one shall serve for
8 an initial term of one year, one shall serve for an initial
9 term of 2 years, and one shall serve for an initial term of 3
10 years. A member's term does not expire until a successor is
11 appointed by the Director ~~Governor~~. Any member appointed to
12 fill a vacancy occurring prior to the expiration of the term
13 for which his or her predecessor was appointed shall be
14 appointed for the remainder of that term. The Board shall meet
15 at the call of the Director. The affirmative vote of 10 members
16 of the Board shall be necessary for Board action. Members of
17 this Board shall receive no compensation for their services,
18 however, resident members shall be reimbursed for their actual
19 expenses.

20 (d) The Board shall be provided copies of all
21 administrative rules and changes to administrative rules for
22 review and comment prior to notice being given to the public.
23 If the Board, having been asked for its review, fails to advise
24 the Department within 90 days, the rules shall be considered
25 acted upon.

26 (Source: P.A. 93-1003, eff. 8-23-04; revised 12-15-05.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.