



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2982

by Rep. Patricia R. Bellock

SYNOPSIS AS INTRODUCED:

210 ILCS 9/66 new
210 ILCS 9/67 new
210 ILCS 9/96 new
210 ILCS 9/97 new
210 ILCS 9/112 new

Amends the Assisted Living and Shared Housing Act. Sets forth circumstances under which the Department of Public Health may initiate a review of an assisted living or shared housing establishment's license. Adds provisions concerning the appointment of a monitor or receiver if the Department has identified systemic risks to residents. Requires the Department to make available information concerning (i) the reporting of abuse, neglect, or exploitation of residents and (ii) other matters. Sets forth procedures by which an adult resident who does not have a legal guardian and has not been adjudicated incompetent may designate another adult to serve as his or her representative for the purpose of receiving certain notifications. Adds provisions concerning checks of the Health Care Worker Registry and other registries with respect to persons employed at an assisted living or shared housing establishment; prohibits employment of a person found to have a disqualifying conviction or involvement in a substantiated case of abuse or neglect. Effective January 1, 2014.

LRB098 08860 DRJ 38990 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 adding Sections 66, 67, 96, 97, and 112 as follows:

6 (210 ILCS 9/66 new)

7 Sec. 66. Department's initiation of licensure review. The
8 Department shall adopt rules to establish a process by which it
9 may initiate a review of an assisted living or shared housing
10 establishment's licensure under this Act upon the Department's
11 determination that any of the following circumstances exist:

12 (1) There is a disproportionate number or percentage of
13 licensure complaints against an establishment.

14 (2) There is a disproportionate number or percentage of
15 substantiated cases of abuse, neglect, or exploitation of
16 residents of an establishment.

17 (3) There has been an apparent unnatural death of a
18 resident of an establishment.

19 (4) There has been egregious or life-threatening abuse
20 or neglect of a resident of an establishment.

21 (5) There has been any other significant event as
22 determined by the Department.

23 The rules shall include the timeframe within which the

1 Department may initiate a review of an establishment's
2 licensure.

3 (210 ILCS 9/67 new)

4 Sec. 67. Appointment of monitor or receiver.

5 (a) The Department shall adopt rules to govern the
6 appointment and conduct of a monitor or receiver for an
7 assisted living or shared housing establishment when the
8 Department has identified systemic risks to residents of the
9 establishment. The rules shall specify the criteria for
10 determining the need for an independent monitor or receiver,
11 the monitor or receiver's conduct once appointed, and the
12 requirements for a monitor or receiver to report to the
13 Department. A monitor or receiver must be an independent entity
14 appointed by the Department and may not be an employee of the
15 Department or of another State agency.

16 (b) This Section does not limit the Department's authority
17 to take any necessary action with respect to an assisted living
18 or shared housing establishment by using employees of the
19 Department or of another State agency.

20 (210 ILCS 9/96 new)

21 Sec. 96. Department to make information available.

22 (a) Upon an individual becoming a resident of an assisted
23 living or shared housing establishment, the Department shall
24 make available to the resident, and to his or her guardian or

1 representative, if any, a document listing telephone numbers
2 and other contact information by which suspected cases of
3 abuse, neglect, or exploitation of residents of establishments
4 may be reported. The information provided by the Department
5 shall include a statement of residents' rights.

6 (b) The Department shall make available through its
7 official website information on each assisted living or shared
8 housing establishment licensed under this Act. The information
9 shall include, but need not be limited to, the following:

10 (1) Licensure and quality assurance survey results
11 with respect to each establishment.

12 (2) Licensure and contract status with respect to each
13 establishment.

14 (3) Substantiated findings of abuse, egregious
15 neglect, or exploitation of a resident of an establishment.

16 (c) The Department shall adopt rules regarding making the
17 information available and shall inform residents and their
18 guardians or representatives of its availability during the
19 initial provider selection process.

20 (210 ILCS 9/97 new)

21 Sec. 97. Resident's designation of representative to
22 receive notifications.

23 (a) An adult resident of an assisted living or shared
24 housing establishment who does not have a legal guardian and
25 has not been adjudicated incompetent may designate another

1 adult of his or her choice to serve as his or her
2 representative for the sole purpose of receiving notification
3 from the establishment or from the Department concerning any
4 incident or condition regarding the resident's health, safety,
5 or well-being. The establishment shall inform the resident of
6 his or her right to designate another adult as a representative
7 for such purposes. The designation must be made in writing and
8 signed by the resident, the designated representative, and a
9 representative of the establishment. The designation may be
10 revoked in writing by the resident at any time.

11 (b) An assisted living or shared housing establishment
12 shall provide a form by which a resident may designate a
13 representative that is substantially the same as the following:

14 "DESIGNATION OF REPRESENTATIVE

15 I, (insert name), am (insert age) years old and reside at
16 (insert address of establishment).

17 I have not been adjudicated incompetent and do not have a legal
18 guardian.

19 I hereby delegate (insert name, phone number, and e-mail
20 address of designated representative), an adult who resides at
21 (insert address), as my representative for the sole purpose of
22 receiving notification of any incident that may affect my

1 health, safety, or well-being while a resident at (insert name
 2 and address of establishment), and hereby give my consent to
 3 (insert name of establishment) to communicate with (insert name
 4 of designated representative) about any such incident.

5 I understand that I may revoke this Designation of
 6 Representative at any time by notifying (insert name of
 7 establishment) in writing that I wish to do so.

8 I also understand that by executing this document I am waiving
 9 my right to confidentiality, but only to the extent of the
 10 authority conveyed in this document.

11 (Insert Name of Resident)

12

13 Signature of Resident

14 (Insert Name of Resident's Representative)

15

16 Signature of Representative

17 (Insert Name of Establishment Representative)

18

1 Signature of Representative".

2 (210 ILCS 9/112 new)

3 Sec. 112. Establishment employees; registry checks.

4 (a) Within 60 days after the effective date of this
5 amendatory Act of the 98th General Assembly, the Department
6 shall require every assisted living or shared housing
7 establishment licensed under this Act to conduct registry
8 checks with respect to each of its employees as provided in
9 this Section. An establishment must conduct a registry check at
10 the time an employee is hired and annually thereafter during
11 the period of employee's employment. The following registries
12 must be checked:

13 (1) The Health Care Worker Registry.

14 (2) The Department of Children and Family Services'
15 State Central Register.

16 (3) The Illinois Sex Offender Registry.

17 (b) A person may not be employed by an assisted living or
18 shared housing establishment if he or she is found to have a
19 disqualifying conviction or a disqualifying substantiated case
20 of abuse or neglect. At the time of an annual registry check,
21 if a current employee's name has been placed on a registry with
22 a disqualifying conviction or a disqualifying substantiated
23 case of abuse or neglect, then the establishment must terminate
24 the employee's employment.

25 In this subsection:

1 (1) For purposes of a check of the Health Care Worker
2 Registry, "disqualifying conviction" or "disqualifying
3 substantiated case of abuse or neglect" means (i) a
4 disqualifying offense as set forth in Section 25 of the
5 Health Care Worker Background Check Act or (ii) an event
6 identified by the Department of Human Services' standards
7 for investigation of suspected cases of abuse, neglect, or
8 financial exploitation under Section 1-17 of the
9 Department of Human Services Act.

10 (2) For purposes of a check of the Department of
11 Children and Family Services' State Central Register,
12 "disqualifying conviction" or "disqualifying substantiated
13 case of abuse or neglect" means an event identified by the
14 Department of Children and Family Services' standards for
15 background checks contained in Part 385 of Title 89 of the
16 Illinois Administrative Code.

17 (c) In collaboration with the Department of Children and
18 Family Services and the Department of Public Health, the
19 Department of Human Services shall establish a waiver process
20 from the prohibition of employment or termination of employment
21 requirements in subsection (a) of this Section for any
22 applicant or employee listed under the Department of Children
23 and Family Services' State Central Register seeking to be hired
24 or maintain his or her employment with a community
25 developmental services agency under this Act. The waiver
26 process for applicants and employees outlined under Section 40

1 of the Health Care Worker Background Check Act shall remain in
2 effect for individuals listed on the Health Care Worker
3 Registry.

4 (d) In order to effectively and efficiently comply with
5 subsections (a) and (b), the Department of Children and Family
6 Services shall take immediate actions to streamline the process
7 for checking the State Central Register for employees hired by
8 community developmental services agencies referenced in this
9 Act. These actions may include establishing a website for
10 registry checks or establishing a registry check process
11 similar to the Health Care Worker Registry.

12 Section 99. Effective date. This Act takes effect January
13 1, 2014.