

AN ACT concerning regulation.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 5. The Life Care Facilities Act is amended by adding Section 10.3 as follows:

(210 ILCS 40/10.3 new)

Sec. 10.3. Provision of at-home continuing care.

(a) The Department shall adopt rules that:

(1) establish standards for providers of at-home continuing care;

(2) provide for the certification and registration of providers of at-home continuing care and the annual renewal of certificates of registration;

(3) provide for and encourage the establishment of at-home continuing care programs;

(4) set minimum requirements for any individual who is employed by or under contract with a provider of at-home continuing care and who will enter a provider of at-home continuing care's subscriber's home to provide at-home continuing care services, including requirements for criminal background checks of such an individual who will have routine, direct access to a subscriber;

(5) establish standards for the renewal of

certificates of registration for providers of at-home continuing care;

(6) establish standards for the number of executed agreements necessary to begin operation as a provider of at-home continuing care;

(7) establish standards for when and how a provider of at-home continuing care or a subscriber may rescind an at-home continuing care agreement before at-home continuing care services are provided to the subscriber;

(8) allow a subscriber to rescind an agreement for at-home continuing care services at any time if the terms of the agreement violate this Section;

(9) establish that a provider may terminate an agreement to provide at-home continuing care services or discharge a subscriber only for just cause; and

(10) establish procedures to carry out a termination or discharge under paragraph (9).

(b) The Department shall certify and register a person as a provider of at-home continuing care services under this Section if the Department determines that:

(1) a reasonable financial plan has been developed to provide at-home continuing care services, including a plan for the number of agreements to be executed before beginning operation;

(2) a market for the at-home continuing care program exists;

(3) the provider has submitted all proposed advertisements, advertising campaigns, and other promotional materials for the program;

(4) the form and substance of all advertisements, advertising campaigns, and other promotional materials submitted are not deceptive, misleading, or likely to mislead; and

(5) an actuarial forecast supports the market for the program.

(c) A provider may not enter into an agreement to provide at-home continuing care services until the Department issues a preliminary certificate of registration to the provider. An application for a preliminary certificate of registration shall:

(1) be filed in a form determined by the Department by rule; and

(2) include:

(A) a copy of the proposed at-home continuing care agreement; and

(B) the form and substance of any proposed advertisements, advertising campaigns, or other promotional materials for the program that is available at the time of filing the application and that has not been filed previously with the Department.

(d) The Department shall issue a preliminary certificate

of registration to a provider under subsection (c) if the Department determines that:

(1) the proposed at-home continuing care agreement is satisfactory;

(2) the provider has submitted all proposed advertisements, advertising campaigns, and other promotional materials for the program; and

(3) the form and substance of all advertisements, advertising campaigns, and other promotional materials submitted are not deceptive, misleading, or likely to mislead.

(e) A person may not provide at-home continuing care services until the Department issues a certificate of registration to the person. An application for a certificate of registration shall:

(1) be filed in a form determined by the Department by rule; and

(2) include:

(A) verification that the required number of agreements has been executed;

(B) the form and substance of any proposed advertisements, advertising campaigns, or other promotional materials for the program that are available at the time of filing and that have not been filed previously with the Department; and

(C) verification that any other license or

certificate required by other appropriate State units has been issued to the provider.

(f) The Department shall issue a certificate of registration to a provider under subsection (e) if the Department determines that:

(1) the information and documents submitted and application for a preliminary certificate of registration are current and accurate or have been updated to make them accurate;

(2) the required agreements have been executed;

(3) any other license or certificate required by other appropriate State units has been issued to the provider;

(4) the provider has submitted all proposed advertisements, advertising campaigns, and other promotional materials for the program; and

(5) the material submitted is not an advertisement, advertising campaign, or other promotional material that is deceptive, misleading, or likely to mislead.

If a provider intends to advertise before the Department issues a certificate of registration, the provider shall submit to the Department any advertisement, advertising campaign, or other promotional materials before using it.

(g) Every 2 years, within 120 days after the end of a provider's fiscal year, a provider shall file an application for a renewal certificate of registration with the Department.

The application shall:

(A) be filed in a form determined by the Department by rule; and

(B) contain any reasonable and pertinent information that the Department requires.

(h) The Department shall issue a renewal certificate of registration under subsection (g) if the Department determines that:

(1) all required documents have been filed and are satisfactory;

(2) any revised agreements for at-home continuing care services meet the Department's requirements;

(3) the provider has submitted all proposed advertisements, advertising campaigns, and other promotional materials for the program; and

(4) the form and substance of all advertisements, advertising campaigns, and other promotional materials submitted are not deceptive, misleading, or likely to mislead.

(i) The Department may deny, suspend, or revoke a preliminary, initial, or renewal certificate of registration under this Section for cause. The Department shall set forth in writing its reasons for a denial, suspension, or revocation. A provider may appeal a denial in writing. Grounds for a denial, suspension, or revocation include, but are not limited to:

(1) violation of this Section;

(2) violation of a rule adopted by the Department  
under this Section;

(3) misrepresentation; or

(4) submission of false information.