



Rep. Norine K. Hammond

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10300HB5000ham002

LRB103 38511 CES 71872 a

1 AMENDMENT TO HOUSE BILL 5000

2 AMENDMENT NO. _____. Amend House Bill 5000 by replacing
3 everything after the enacting clause with the following:

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
9 remain in residence if the establishment cannot provide or
10 secure appropriate services, if the individual requires a
11 level of service or type of service for which the
12 establishment is not licensed or which the establishment does
13 not provide, or if the establishment does not have the staff
14 appropriate in numbers and with appropriate skill to provide
15 such services.

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

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

2 (1) the person poses a serious threat to himself or
3 herself or to others;

4 (2) the person is not able to communicate his or her
5 needs and no resident representative residing in the
6 establishment, and with a prior relationship to the
7 person, has been appointed to direct the provision of
8 services;

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

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

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

16 (6) the person has a severe mental illness, which for
17 the purposes of this Section means a condition that is
18 characterized by the presence of a major mental disorder
19 as classified in the Diagnostic and Statistical Manual of
20 Mental Disorders, Fourth Edition (DSM-IV) (American
21 Psychiatric Association, 1994), where the individual is a
22 person with a substantial disability due to mental illness
23 in the areas of self-maintenance, social functioning,
24 activities of community living and work skills, and the
25 disability specified is expected to be present for a
26 period of not less than one year, but does not mean

1 Alzheimer's disease and other forms of dementia based on
2 organic or physical disorders;

3 (7) the person requires intravenous therapy or
4 intravenous feedings unless self-administered or
5 administered by a qualified, licensed health care
6 professional;

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

10 (9) (blank); ~~the person requires insertion, sterile~~
11 ~~irrigation, and replacement of catheter, except for~~
12 ~~routine maintenance of urinary catheters, unless the~~
13 ~~catheter care is self-administered or administered by a~~
14 ~~licensed health care professional;~~

15 (10) the person requires sterile wound care unless
16 care is self-administered or administered by a licensed
17 health care professional;

18 (11) (blank);

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

23 (13) the person requires treatment of stage 3 or stage
24 4 decubitus ulcers or exfoliative dermatitis;

25 (14) the person requires 5 or more skilled nursing
26 visits per week for conditions other than those listed in

1 items (13) and (15) of this subsection for a period of 3
2 consecutive weeks or more except when the course of
3 treatment is expected to extend beyond a 3 week period for
4 rehabilitative purposes and is certified as temporary by a
5 physician; or

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

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

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

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

23 (g) Items (3), (4), (5), and (9) of subsection (c) shall
24 not apply to a quadriplegic, paraplegic, or individual with
25 neuro-muscular diseases, such as muscular dystrophy and
26 multiple sclerosis, or other chronic diseases and conditions

1 as defined by rule if the individual is able to communicate his
2 or her needs and does not require assistance with complex
3 medical problems, and the establishment is able to accommodate
4 the individual's needs. The Department shall prescribe rules
5 pursuant to this Section that address special safety and
6 service needs of these individuals.

7 (h) For the purposes of items (7) through (10) of
8 subsection (c), a licensed health care professional may not be
9 employed by the owner or operator of the establishment, its
10 parent entity, or any other entity with ownership common to
11 either the owner or operator of the establishment or parent
12 entity, including but not limited to an affiliate of the owner
13 or operator of the establishment. Nothing in this Section is
14 meant to limit a resident's right to choose his or her health
15 care provider.

16 (i) Subsection (h) is not applicable to residents admitted
17 to an assisted living establishment under a life care contract
18 as defined in the Life Care Facilities Act if the life care
19 facility has both an assisted living establishment and a
20 skilled nursing facility. A licensed health care professional
21 providing health-related or supportive services at a life care
22 assisted living or shared housing establishment must be
23 employed by an entity licensed by the Department under the
24 Nursing Home Care Act or the Home Health, Home Services, and
25 Home Nursing Agency Licensing Act.

26 (Source: P.A. 103-444, eff. 1-1-24.)"