



Sen. Sara Feigenholtz

Filed: 4/17/2024

10300SB0774sam001

LRB103 03230 RTM 72350 a

1 AMENDMENT TO SENATE BILL 774

2 AMENDMENT NO. _____. Amend Senate Bill 774 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 Sections 10 and 70 and by adding Section 79
6 as follows:

7 (210 ILCS 9/10)

8 Sec. 10. Definitions. For purposes of this Act:

9 "Activities of daily living" means eating, dressing,
10 bathing, toileting, transferring, or personal hygiene.

11 "Assisted living establishment" or "establishment" means a
12 home, building, residence, or any other place where sleeping
13 accommodations are provided for at least 3 unrelated adults,
14 at least 80% of whom are 55 years of age or older and where the
15 following are provided consistent with the purposes of this
16 Act:

1 (1) services consistent with a social model that is
2 based on the premise that the resident's unit in assisted
3 living and shared housing is his or her own home;

4 (2) community-based residential care for persons who
5 need assistance with activities of daily living, including
6 personal, supportive, and intermittent health-related
7 services available 24 hours per day, if needed, to meet
8 the scheduled and unscheduled needs of a resident;

9 (3) mandatory services, whether provided directly by
10 the establishment or by another entity arranged for by the
11 establishment, with the consent of the resident or
12 resident's representative; and

13 (4) a physical environment that is a homelike setting
14 that includes the following and such other elements as
15 established by the Department: individual living units
16 each of which shall accommodate small kitchen appliances
17 and contain private bathing, washing, and toilet
18 facilities, or private washing and toilet facilities with
19 a common bathing room readily accessible to each resident.
20 Units shall be maintained for single occupancy except in
21 cases in which 2 residents choose to share a unit.
22 Sufficient common space shall exist to permit individual
23 and group activities.

24 "Assisted living establishment" or "establishment" does
25 not mean any of the following:

26 (1) A home, institution, or similar place operated by

1 the federal government or the State of Illinois.

2 (2) A long term care facility licensed under the
3 Nursing Home Care Act, a facility licensed under the
4 Specialized Mental Health Rehabilitation Act of 2013, a
5 facility licensed under the ID/DD Community Care Act, or a
6 facility licensed under the MC/DD Act. However, a facility
7 licensed under any of those Acts may convert distinct
8 parts of the facility to assisted living. If the facility
9 elects to do so, the facility shall retain the Certificate
10 of Need for its nursing and sheltered care beds that were
11 converted.

12 (3) A hospital, sanitarium, or other institution, the
13 principal activity or business of which is the diagnosis,
14 care, and treatment of human illness and that is required
15 to be licensed under the Hospital Licensing Act.

16 (4) A facility for child care as defined in the Child
17 Care Act of 1969.

18 (5) A community living facility as defined in the
19 Community Living Facilities Licensing Act.

20 (6) A nursing home or sanitarium operated solely by
21 and for persons who rely exclusively upon treatment by
22 spiritual means through prayer in accordance with the
23 creed or tenants of a well-recognized church or religious
24 denomination.

25 (7) A facility licensed by the Department of Human
26 Services as a community-integrated living arrangement as

1 defined in the Community-Integrated Living Arrangements
2 Licensure and Certification Act.

3 (8) A supportive residence licensed under the
4 Supportive Residences Licensing Act.

5 (9) The portion of a life care facility as defined in
6 the Life Care Facilities Act not licensed as an assisted
7 living establishment under this Act; a life care facility
8 may apply under this Act to convert sections of the
9 community to assisted living.

10 (10) A free-standing hospice facility licensed under
11 the Hospice Program Licensing Act.

12 (11) A shared housing establishment.

13 (12) A supportive living facility as described in
14 Section 5-5.01a of the Illinois Public Aid Code.

15 "Certified medication aide" means a person who has met the
16 qualifications for certification under Section 79 and assists
17 with medication administration while under the supervision of
18 a registered professional nurse as authorized by Section 50-75
19 of the Nurse Practice Act in an assisted living establishment.

20 "Department" means the Department of Public Health.

21 "Director" means the Director of Public Health.

22 "Emergency situation" means imminent danger of death or
23 serious physical harm to a resident of an establishment.

24 "License" means any of the following types of licenses
25 issued to an applicant or licensee by the Department:

26 (1) "Probationary license" means a license issued to

1 an applicant or licensee that has not held a license under
2 this Act prior to its application or pursuant to a license
3 transfer in accordance with Section 50 of this Act.

4 (2) "Regular license" means a license issued by the
5 Department to an applicant or licensee that is in
6 substantial compliance with this Act and any rules
7 promulgated under this Act.

8 "Licensee" means a person, agency, association,
9 corporation, partnership, or organization that has been issued
10 a license to operate an assisted living or shared housing
11 establishment.

12 "Licensed health care professional" means a registered
13 professional nurse, an advanced practice registered nurse, a
14 physician assistant, and a licensed practical nurse.

15 "Mandatory services" include the following:

16 (1) 3 meals per day available to the residents
17 prepared by the establishment or an outside contractor;

18 (2) housekeeping services including, but not limited
19 to, vacuuming, dusting, and cleaning the resident's unit;

20 (3) personal laundry and linen services available to
21 the residents provided or arranged for by the
22 establishment;

23 (4) security provided 24 hours each day including, but
24 not limited to, locked entrances or building or contract
25 security personnel;

26 (5) an emergency communication response system, which

1 is a procedure in place 24 hours each day by which a
2 resident can notify building management, an emergency
3 response vendor, or others able to respond to his or her
4 need for assistance; and

5 (6) assistance with activities of daily living as
6 required by each resident.

7 "Negotiated risk" is the process by which a resident, or
8 his or her representative, may formally negotiate with
9 providers what risks each are willing and unwilling to assume
10 in service provision and the resident's living environment.
11 The provider assures that the resident and the resident's
12 representative, if any, are informed of the risks of these
13 decisions and of the potential consequences of assuming these
14 risks.

15 "Owner" means the individual, partnership, corporation,
16 association, or other person who owns an assisted living or
17 shared housing establishment. In the event an assisted living
18 or shared housing establishment is operated by a person who
19 leases or manages the physical plant, which is owned by
20 another person, "owner" means the person who operates the
21 assisted living or shared housing establishment, except that
22 if the person who owns the physical plant is an affiliate of
23 the person who operates the assisted living or shared housing
24 establishment and has significant control over the day to day
25 operations of the assisted living or shared housing
26 establishment, the person who owns the physical plant shall

1 incur jointly and severally with the owner all liabilities
2 imposed on an owner under this Act.

3 "Physician" means a person licensed under the Medical
4 Practice Act of 1987 to practice medicine in all of its
5 branches.

6 "Program" means the Certified Medication Aide Program.

7 "Qualified establishment" means an assisted living and
8 shared housing establishment licensed by the Department of
9 Public Health.

10 "Resident" means a person residing in an assisted living
11 or shared housing establishment.

12 "Resident's representative" means a person, other than the
13 owner, agent, or employee of an establishment or of the health
14 care provider unless related to the resident, designated in
15 writing by a resident to be his or her representative. This
16 designation may be accomplished through the Illinois Power of
17 Attorney Act, pursuant to the guardianship process under the
18 Probate Act of 1975, or pursuant to an executed designation of
19 representative form specified by the Department.

20 "Self" means the individual or the individual's designated
21 representative.

22 "Shared housing establishment" or "establishment" means a
23 publicly or privately operated free-standing residence for 16
24 or fewer persons, at least 80% of whom are 55 years of age or
25 older and who are unrelated to the owners and one manager of
26 the residence, where the following are provided:

1 (1) services consistent with a social model that is
2 based on the premise that the resident's unit is his or her
3 own home;

4 (2) community-based residential care for persons who
5 need assistance with activities of daily living, including
6 housing and personal, supportive, and intermittent
7 health-related services available 24 hours per day, if
8 needed, to meet the scheduled and unscheduled needs of a
9 resident; and

10 (3) mandatory services, whether provided directly by
11 the establishment or by another entity arranged for by the
12 establishment, with the consent of the resident or the
13 resident's representative.

14 "Shared housing establishment" or "establishment" does not
15 mean any of the following:

16 (1) A home, institution, or similar place operated by
17 the federal government or the State of Illinois.

18 (2) A long term care facility licensed under the
19 Nursing Home Care Act, a facility licensed under the
20 Specialized Mental Health Rehabilitation Act of 2013, a
21 facility licensed under the ID/DD Community Care Act, or a
22 facility licensed under the MC/DD Act. A facility licensed
23 under any of those Acts may, however, convert sections of
24 the facility to assisted living. If the facility elects to
25 do so, the facility shall retain the Certificate of Need
26 for its nursing beds that were converted.

1 (3) A hospital, sanitarium, or other institution, the
2 principal activity or business of which is the diagnosis,
3 care, and treatment of human illness and that is required
4 to be licensed under the Hospital Licensing Act.

5 (4) A facility for child care as defined in the Child
6 Care Act of 1969.

7 (5) A community living facility as defined in the
8 Community Living Facilities Licensing Act.

9 (6) A nursing home or sanitarium operated solely by
10 and for persons who rely exclusively upon treatment by
11 spiritual means through prayer in accordance with the
12 creed or tenants of a well-recognized church or religious
13 denomination.

14 (7) A facility licensed by the Department of Human
15 Services as a community-integrated living arrangement as
16 defined in the Community-Integrated Living Arrangements
17 Licensure and Certification Act.

18 (8) A supportive residence licensed under the
19 Supportive Residences Licensing Act.

20 (9) A life care facility as defined in the Life Care
21 Facilities Act; a life care facility may apply under this
22 Act to convert sections of the community to assisted
23 living.

24 (10) A free-standing hospice facility licensed under
25 the Hospice Program Licensing Act.

26 (11) An assisted living establishment.

1 (12) A supportive living facility as described in
2 Section 5-5.01a of the Illinois Public Aid Code.

3 "Total assistance" means that staff or another individual
4 performs the entire activity of daily living without
5 participation by the resident.

6 (Source: P.A. 99-180, eff. 7-29-15; 100-513, eff. 1-1-18.)

7 (210 ILCS 9/70)

8 Sec. 70. Service requirements. An establishment must
9 provide all mandatory services and may provide optional
10 services, including medication reminders, supervision of
11 self-administered medication and medication administration as
12 defined by this Section and nonmedical services defined by
13 rule, whether provided directly by the establishment or by
14 another entity arranged for by the establishment with the
15 consent of the resident or the resident's representative.

16 For the purposes of this Section, "medication reminders"
17 means reminding residents to take pre-dispensed,
18 self-administered medication, observing the resident, and
19 documenting whether or not the resident took the medication.

20 For the purposes of this Section, "supervision of
21 self-administered medication" means assisting the resident
22 with self-administered medication using any combination of the
23 following: reminding residents to take medication, reading the
24 medication label to residents, checking the self-administered
25 medication dosage against the label of the medication,

1 confirming that residents have obtained and are taking the
2 dosage as prescribed, and documenting in writing that the
3 resident has taken (or refused to take) the medication. If
4 residents are physically unable to open the container, the
5 container may be opened for them. Supervision of
6 self-administered medication shall be under the direction of a
7 licensed health care professional or, in the case of a
8 certified medication aide, under the supervision and
9 delegation of a registered nurse as authorized by Section
10 50-75 of the Nurse Practice Act.

11 For the purposes of this Section, "medication
12 administration" refers to a licensed health care professional
13 employed by an establishment engaging in administering insulin
14 and vitamin B-12 injections, oral medications, topical
15 treatments, eye and ear drops, or nitroglycerin patches. A
16 certified medication aide may administer medications under the
17 supervision and delegation of a registered nurse as authorized
18 by Section 50-75 of the Nurse Practice Act, except (i)
19 Schedule II controlled substances as set forth in the Illinois
20 Controlled Substances Act and (ii) any subcutaneous,
21 intramuscular, intradermal, or intravenous medication
22 ~~Non-licensed staff may not administer any medication.~~

23 The Department shall specify by rule procedures for
24 medication reminders, supervision of self-administered
25 medication, and medication administration.

26 Nothing in this Act shall preclude a physician licensed

1 under the Medical Practice Act of 1987 from providing services
2 within the scope of his or her license to any resident.

3 (Source: P.A. 96-353, eff. 8-13-09.)

4 (210 ILCS 9/79 new)

5 Sec. 79. Certified Medication Aide Program.

6 (a) The Department shall administer and enforce a
7 Certified Medication Aide Program and regulate certified
8 medication aides. To be approved as an establishment qualified
9 to participate in the program, an establishment must satisfy
10 all of the following requirements:

11 (1) Be licensed and in good standing as an assisted
12 living or shared housing establishment by the Department.

13 (2) Certify that the employment of a certified
14 medication aide will not replace or diminish the
15 employment of registered nurses or licensed practical
16 nurses at the establishment.

17 (3) Certify that a registered nurse will be on duty
18 and present in the establishment to delegate and supervise
19 the administration of medication by a certified medication
20 aide at all times.

21 (4) Certify that, with the exception of licensed
22 health care professionals, only certified medication aides
23 will be employed in the capacity of administering
24 medication.

25 (5) Provide information regarding patient safety,

1 efficiency, and errors as determined by the Department.

2 Failure to submit any required report may be grounds for
3 discipline or sanctions as prescribed by the Department. The
4 Department shall submit a report regarding patient safety,
5 efficiency, and errors, as determined by rule, to the General
6 Assembly no later than 2 years after the effective date of this
7 amendatory Act of the 103rd General Assembly.

8 (b) No person shall practice as a medication aide or hold
9 himself or herself out as a certified medication aide in this
10 State unless he or she is certified in accordance with this
11 Section. Nothing in this Section shall be construed as
12 preventing or restricting the practice, services, or
13 activities of:

14 (1) any person licensed in this State by any other law
15 from engaging in the profession or occupation for which he
16 or she is licensed;

17 (2) any person employed as a medication aide by the
18 government of the United States, if such person practices
19 as a medication aide solely under the direction or control
20 of the organization by which he or she is employed; or

21 (3) any person pursuing a course of study leading to a
22 certificate in medication aide at an accredited or
23 approved educational program if such activities and
24 services constitute a part of a supervised course of study
25 and if such person is designated by a title which clearly
26 indicates his or her status as a student or trainee.

1 Nothing in this Section shall be construed to limit the
2 delegation of tasks or duties by a physician, dentist,
3 advanced practice registered nurse, or podiatric physician as
4 authorized by law.

5 (c) A certified medication aide may only practice in a
6 qualified establishment. Certified medication aides must be
7 supervised by and receive delegation by a registered nurse, as
8 authorized by Section 50-75 of the Nurse Practice Act, that is
9 on duty and present in the establishment at all times.
10 Certified medication aides shall not have a direct-care
11 assignment when scheduled to work as a certified medication
12 aide, but may assist residents as needed. Certified medication
13 aides shall not administer any medication until a physician
14 has conducted an initial assessment of the resident.

15 Certified medication aides shall not administer any
16 Schedule II controlled substances as set forth in the Illinois
17 Controlled Substances Act and may not administer any
18 subcutaneous, intramuscular, intradermal, or intravenous
19 medication.

20 (d) In addition to any other penalty provided by law, any
21 person who practices, offers to practice, attempts to
22 practice, or holds oneself out to practice as a medication
23 aide without being certified in accordance with this Section
24 shall pay a civil penalty to the Department as determined by
25 the Department. The Department has the authority and power to
26 investigate any and all uncertified activity. The civil

1 penalty shall be paid within 60 days after the date of the
2 order imposing the civil penalty. The order shall constitute a
3 judgment and may be filed and execution had thereon in the same
4 manner as any judgment from any court of record.

5 (e) Applications for original certification shall be made
6 to the Department in writing on forms prescribed by the
7 Department and shall be accompanied by the required fee, which
8 shall not be refundable. The application shall require such
9 information that, in the judgment of the Department, enables
10 the Department to pass on the qualifications of the applicant
11 for certification.

12 (f) The Department shall authorize examinations of
13 applicants for a certificate under this Section at the times
14 and places as it may designate. The examination shall be of a
15 character to give a fair test of the qualifications of the
16 applicant to practice as a medication aide.

17 Applicants for examination as a medication aide shall be
18 required to pay, either to the Department or the designated
19 testing service, a fee covering the cost of providing the
20 examination. Failure to appear for the examination on the
21 scheduled date, at the time and place specified, after the
22 applicant's application for examination has been received and
23 acknowledged by the Department or the designated testing
24 service, shall result in the forfeiture of the examination
25 fee.

26 If an applicant fails to pass an examination for

1 certification in accordance with this Section within 3 years
2 after filing his or her application, then the application
3 shall be denied. The applicant may thereafter make a new
4 application accompanied by the required fee; however, the
5 applicant shall meet all requirements in effect at the time of
6 subsequent application before obtaining certification. The
7 Department may employ consultants for the purposes of
8 preparing and conducting examinations.

9 (g) An applicant for certification by examination to
10 practice as a certified medication aide must:

11 (1) submit a completed written application on forms
12 provided by the Department and fees as established by the
13 Department;

14 (2) be age 18 or older;

15 (3) have a high school diploma or a high school
16 equivalency certificate;

17 (4) demonstrate the ability to speak, read, and write
18 the English language, as determined by rule;

19 (5) demonstrate competency in math, as determined by
20 rule;

21 (6) be currently certified in good standing as a
22 certified nursing assistant and provide proof of 2,000
23 hours of practice as a certified nursing assistant within
24 3 years before application for a certificate under this
25 Section;

26 (7) submit to the criminal history records check

1 required under Section 46 of the Health Care Worker
2 Background Check Act;

3 (8) be currently certified to perform cardiopulmonary
4 resuscitation by the American Heart Association or
5 American Red Cross;

6 (9) have successfully completed a course of study
7 approved by the Department as defined by rule; to be
8 approved, the program must include a minimum of 60 hours
9 of classroom-based medication aide education, a minimum of
10 10 hours of simulation laboratory study, and a minimum of
11 30 hours of registered nurse-supervised clinical practicum
12 with progressive responsibility of patient medication
13 assistance;

14 (10) have successfully completed the Medication Aide
15 Certification Examination or other examination authorized
16 by the Department; and

17 (11) submit proof of employment by a qualifying
18 establishment.

19 (h) The expiration date for each certification to practice
20 as a certified medication aide shall be set by rule.

21 (i) No person shall use the title "certified medication
22 aide" unless he or she holds a valid certificate issued by the
23 Department in accordance with this Section.

24 (j) The Department shall adopt rules to implement the
25 provisions of this Section within 180 days after the effective
26 date of this amendatory Act of the 103rd General Assembly.

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