**Section 295.1110 Floating Licenses**

a) A floating license is an assisted living or shared housing establishment license issued by the Department in accordance with Section 295.600 or 295.700, which applies to *any number of individual living units within the establishment up to, but not including, total capacity.* (Section 32 of the Act) A floating license authorizes the establishment to transfer licensure from one individual living unit to another, in accordance with Section 32 of the Act and this Section.

b) A floating license may be requested, on forms provided by the Department, with either an initial licensure application or a renewal licensure application. The application *must specify the number of individual living units within the establishment* that are *to be licensed* (Section 32 of the Act) and shall include a list of the living units that will be designated as licensed living units under the floating license.

c) Sections 25 and 32 of the Act and Section 295.400 of this Part prohibit any person from *establishing, operating, maintaining, or offering an establishment as an assisted living establishment or shared housing establishment, as defined by* the *Act, unless and until he or she obtains a valid license, which remains unsuspended, unrevoked, and unexpired.* (Section 25 of the Act)

d) A location for which a floating license is requested shall, at all times, meet the following qualifications:

1) *80% of the residents are at least 55 years of age or older;*

2) The location *is operated as housing for the elderly*, as demonstrated by one of the following:

A) The location is currently operating entirely as housing for the elderly, is not providing assisted living services, and is not in violation of Section 295.400; or

B) Some of the living units are currently licensed as assisted living or shared housing, and the remaining living units are operated as housing for the elderly;

3) The location *meets the construction and operating standards contained in Section 20 of the* Act and Subpart I of this Part;

4) The location *must have staff adequate to meet the scheduled and unscheduled needs of the residents residing in licensed living units;* and

5) *All staff providing services to licensed living units must meet the requirements of* the *Act and* this Part. (Section 32 of the Act)

e) An establishment that is issued a floating license shall not designate more than the number of living units indicated on the license as licensed living units. To be designated as a licensed living unit, *the living unit and the living unit's resident* shall *meet the requirements of* the *Act and* this Part*.* (Section 32 of the Act)

f) *All mandatory services must be made* *available to residents of licensed living units,* in accordance with Section 10 of the Act and Section 295.4020 of this Part. *Residents of licensed living units may receive any optional services permitted under the establishment's license.*

g) *Establishments may provide services under* the *Act* and this Part *only in the individual living units designated as licensed units.* (Section 32 of the Act)

h) *Designation as a licensed unit may be temporary to accommodate a resident's changing needs without requiring a resident to move.* (Section 32 of the Act) A living unit that is temporarily designated as a licensed living unit shall meet the requirements of the Act and this Part.

i) *An establishment with a floating license must keep a current written list of those units designated under the floating license.* (Section32 of the Act)The establishment shall provide the Department with a list of designated units in accordance with subsections (m) and (n).

j) *If a resident elects to receive* assisted living *services in a unit that is not licensed and the unit qualifies for licensure* under this Section, *the establishment must notify the resident that the unit must be licensed and the requirements of* the *Act* and this Part *must be met before* assisted living *services can be provided to residents in that unit.* (Section 32 of the Act)

k) The establishment shall maintain records in accordance with Sections 295.7000 and 295.7010 for all licensed living units and all residents residing in licensed living units.

l) *The Department shall conduct an annual unannounced on-site visit at each assisted living and shared housing establishment to determine compliance with* the Act and this Part*. Additional visits may be conducted without prior notice to the assisted living or shared housing establishment.* (Section 110(a) of the Act)

m) *Upon the initiation of an initial licensing inspection or annual inspection, the establishment shall provide to the Department a list of the units designated under the floating license in which residents are receiving services subject to* the *Act.* (Section 32 of the Act)

n) *Upon the initiation of a complaint investigation, the establishment shall provide to the Department a list of the units designated under the floating license in which residents* were *receiving services subject to* the *Act* at the time that the situation being investigated was alleged to have occurred. (Section 32 of the Act)

(Source: Added at 36 Ill. Reg. 13632, effective August 16, 2012)