

CHAPTER 17

LONG-TERM CARE FACILITIES

17.01 DEFINITIONS

For the purposes of this Chapter, the definitions contained in the Nursing Home Care Act, 210 ILCS 45/1-101, *et seq.*, shall apply unless the context otherwise requires.

17.02 LICENSE REQUIRED

(a) It shall be unlawful to establish, operate or maintain a long-term care facility without obtaining a valid City license therefor, which license remains unrevoked and unexpired. Licenses shall be renewed annually and shall be for a period of 12 months commencing on January 1 of each year.

(b) No facility shall operate without a state license.

17.03 LICENSE APPLICATION AND PROCEDURES

Each applicant shall submit a completed application form and such information as required by the City Clerk. The application shall contain the following information:

(a) The name and address of the applicant. If the applicant is other than an individual, then the name and addresses of all partners, stockholders or other persons having an interest in the ownership of the facility must be disclosed.

(b) The name and location of the facility for which a license is sought and the name of the beneficial owners of the facility.

(c) The name and address of the administrator of the facility.

(d) The number and type of residents for whom maintenance, personal care or nursing is to be provided.

All applications shall be accompanied by a license issued by the Illinois Department of Public Health, any management agreements for the operation of the facility, and copies of any Medicare/Medicaid certifications. A license fee shall be submitted in the amount of \$500.00 plus \$30.00 per licensed bed.

Before a license is issued by the City Clerk, the facility shall be inspected to determine that it is in compliance with the ordinances of the City, the provisions of the Nursing Home Care Act, and any rules promulgated thereunder.

17.04 SECURITY REQUIREMENTS

(a) All exterior doors shall be equipped with a signal that will alert the staff if a resident leaves the building. Any exterior door that is supervised may have a disconnect device for the signal during such time as the door is actually supervised. If there is 24-hour supervision of a door, then a signal is not required.

(b) All exterior doors shall be equipped with a camera which shall be monitored by the staff so that a resident shall not be allowed to leave the facility without registering in the log book.

(c) The facility shall maintain a log book which shall be used for all residents leaving the facility. The information required to be placed in the log book before a resident leaves the facility shall be the name of the resident, the time of leaving, the destination, and the planned time of return. Upon return to the facility the log book shall be marked with the time of return.

(d) The provisions of subparagraph (c) shall not apply to any resident leaving the facility who remains solely on the property on which the facility is located.

17.05 PERSONS PROHIBITED FROM RESIDING IN LONG-TERM CARE FACILITIES

(a) Any person required to register as a sex offender under the provisions of the Sex Offender Registration Act, 730 ILCS 150/1, *et seq.*, is hereby prohibited from residing in a long-term care facility within the City.

(b) No licensee or owner of a long-term care facility may admit or allow any person registered as a sex offender (regardless of the address where registered) on the Sex Offender Registry maintained by the Illinois State Police to reside in or to remain overnight in such long-term care facility. Each long-term care facility must conduct a record search of each person to be admitted as a resident thereof, before the person is admitted, in order to determine whether the person is a registered sexual predator or sexual offender. The long-term care facility must search the Sex Offender Registry maintained by the Illinois State Police. Each long-term care facility must have in its possession evidence demonstrating that a search of the Sex Offender Registry has been made before allowing a person to be admitted as a resident thereof. The long-term care facility must notify the City within 72 hours each time that it refuses to admit a prospective resident who was identified as a sexual predator or sexual offender on the Sex Offender Registry.

(c) When a long-term care facility determines upon information or belief that a person residing therein is a sexual predator or sexual offender who is required to be registered, but who has failed to register, under the Sex Offender Registration Act, the long-term care facility shall notify the Hickory Hills Police Department of its suspicion so that the Police Department can perform a search of its data base in order to determine if that person is in fact required to be registered under the Sex Offender Registration Act.

17.06 STATE LAW

(a) It shall be unlawful for any person to operate a facility in violation of any provision of the Nursing Home Care Act.

(b) It shall be unlawful for any person to operate a facility in violation of the "Minimum Standards, Rules and Regulations for Classification and Licensure of Long Term Care Facilities", as promulgated by the Illinois Department of Public Health, pursuant to the Nursing Home Care Act.

(c) In the event that a license issued by the State of Illinois for a facility is revoked, suspended, or not in effect, then such fact shall be grounds for the Mayor to take similar action with respect to any City license.

17.07 ENFORCEMENT AND PENALTIES

(a) Any person who violates any of the provisions of this Chapter, any rule or regulation promulgated hereunder, the Nursing Home Care Act, 210 ILCS 45/1, *et seq.*, or any rule or regulation promulgated thereunder, shall be subject to a fine of not less than \$300.00 nor more than \$1,000.00 per violation. Each day that such violation exists shall constitute a separate and distinct offense.

(b) The Mayor may also suspend, for a period not to exceed 30 days, or seek revocation of a license issued under this Chapter, in accordance with the procedures described in this section, upon the determination that one or more violations of this Chapter, any rule or regulation promulgated hereunder, the Nursing Home Care Act, or any rule or regulation promulgated thereunder, has occurred.

(c) Before any suspension or revocation order shall be issued, the Mayor shall notify the licensee of the specific charges against him and of his right to a hearing. Notice shall be served upon licensee of the long-term care facility at least seven days prior to the hearing date by: (i) first class or express mail or by overnight carrier; or (ii) personal service. The person before whom the hearing is held shall not have been involved in the initial decision to seek suspension. At the hearing, a long-term care

facility licensee and its representatives may be represented by counsel, present documentary evidence and witnesses, and may cross-examine witnesses called by the charging party. The charging party shall present sufficient evidence from witnesses having personal knowledge of the offense to prove, by a preponderance of the evidence, that one or more violations of the aforementioned provisions occurred. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings under this section. The record of each hearing shall include: (i) a record of the testimony presented at the hearing, which may be by tape recording or other appropriate means; (ii) any document presented at the hearing; and (iii) a copy of the written notice of hearing that was served in accordance with this section. Following the hearing, the Mayor shall issue in writing a decision stating whether the long-term care facility license shall be suspended or revoked, or for such lesser relief as may be appropriate. The licensee may file a complaint in a court of competent jurisdiction seeking to review of a decision issued by the Mayor.

(d) Any official of the City may file charges seeking the suspension or revocation of a license under this Chapter.