

Refer to Committee on Health

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Chapter 4-96 of the Municipal Code of Chicago is hereby amended by adding new sections 4-96-058, 4-96-075 and 4-96-085, by adding the language underscored and by deleting the language struck through, as follows:

4-96-010 Definitions.

For purposes of this chapter:

“Assisted Living and Shared Housing Act” means the Assisted Living and Shared Housing Act, 210 ILCS 9/1, et seq., as amended.

“Assisted living establishment” shall have the same meaning as set forth in the Assisted Living and Shared Housing Act.

“Developmental disability” shall have the same meaning as set forth in the Mental Health and Developmental Disabilities Code.

“Long-term care facility” means private home, institution, building, residence, or any other place that satisfies the definition of a “facility” or “long-term care facility” as set forth in the Nursing Home Care Act.

“Mental Health and Developmental Disabilities Code” means the Mental Health and Developmental Disabilities Code, 405 ILCS 5/1-100, et seq., as amended.

“Mental illness” shall have the same meaning as set forth in the Mental Health and Developmental Disabilities Code.

“Nursing Home Care Act” means the Nursing Home Care Act 210 ILCS 45/1-101, et seq., as amended.

“Shared housing establishment” shall have the same meaning as set forth in the Assisted Living and Shared Housing Act.

4-96-057 State requirements and standards.

(a) Every long-term care facility shall comply with the minimum requirements and standards established in the Nursing Home Care Act, and any rule and regulation promulgated thereunder, which standards and requirements are incorporated herein and made hereby a part of this chapter.

Every long-term care facility which is classified by the state or federal government as an “institution for mental diseases” shall comply with the provisions of the Mental Health and Developmental Disabilities Code, and any rule and regulation promulgated thereunder, which standards and requirements are incorporated herein and made hereby a part of this chapter.

(Omitted text is unaffected by this ordinance)

4-96-058 Long-term care facility-mental health services.

Every long-term care facility which provides care to persons who have been admitted solely due to their need for mental health services shall:

(a) have an adequate number of staff who have training and experience in the care of persons with developmental disabilities or mental illnesses; and

(b) ensure that every person admitted due solely due to her or his need for mental health services shall be under the care of a psychiatrist, as that term is defined in the Mental Health and Developmental Disabilities Code.

4-96-070 Inspections.

Every facility or establishment required to be licensed under this chapter assisted living establishment and shared housing establishment shall be inspected biennially by the department of health, bureau of fire prevention and department of buildings, and every facility required to be licensed under this chapter shall be open at all times for inspection by such departments. The biennial inspection shall include every floor of the facility.

4-96-075 Source of public funds and resources-report to the city council.

The department of family and support services shall review the records of every long-term care facility, and issue to the city council an annual written report, which details the amount and source of all public funds and resources received by the long-term care facility for personnel, management, equipment, supplies, capital improvements, the cost of the operation and maintenance of the facility, and any other use of public funds or resources. The report shall also detail the number of police and fire calls regarding the facility during the reporting time, and shall include arrests in and around the facility.

4-96-080 Enforcement and penalties.

(a) Any person who violates any of the provisions of this chapter, any rule or regulation promulgated hereunder, or any applicable state law rule or regulation promulgated thereunder, shall be subject to a fine of not less than ~~\$300.00~~ \$1000.00 nor more than ~~\$500.00~~ \$1,500.00 per violation, or shall be subject to license suspension or revocation; provided that three or more violations of this chapter that are immediate jeopardies, as that term is defined in 42 CFR 488.301, by any licensee within a 12-month period shall result in license revocation in accordance with Section 4-4-230 of this Code. Each day that such violation exists shall constitute a separate and distinct offense.

(b) Upon determining that a licensee has violated any provision of this chapter or any rule or regulation promulgated hereunder, or any applicable state law, the commissioner of health may institute an administrative adjudication proceeding with the department of administrative hearings by forwarding a copy of a notice of violation or a notice of hearing, which has been properly served, to the department of administrative hearings; provided however, that if the commissioner recommends the suspension or revocation of the license, the commissioner shall make such recommendation to the department of business affairs and consumer protection in accordance with the requirements of Chapter 4-4 of the Municipal Code.

4-96-085 Summary closure.

(a) In addition to any other fine or penalty provided for in this chapter, whenever an inspection indicates that the condition of a licensee's operation or premises creates an imminent hazard to the public health or to the health of any resident in the licensee's care, the commissioner of health may immediately close the facility until such time as the conditions that caused the hazard are corrected.

(b) Upon closure of the facility, all operations related to the license shall cease at once. The commissioner of health may cause a "notice of closure" sign to be conspicuously placed

upon the closed premises. It shall be unlawful for any person to remove a "notice of closure" sign placed on the premises unless authorized to do so by the commissioner.

(c) Upon closure, a licensee may at any time apply for restoration of the license. Within 48 hours after the commissioner of health receives the application, accompanied by a statement signed by the licensee that the provisions previously violated have been complied with, the commissioner shall cause a reinspection of the licensee's premises to assure that the conditions that caused the hazard have been corrected.

(d) The cost to the city to reinspect the facility shall be assessed against the licensee for each inspection conducted by the commissioner of health to address a violation previously identified in an inspection.

(e) In addition to any penalties set forth in this chapter, the licensee shall be liable for the actual costs incurred by the city to abate, remediate, repair or remove the conditions that gave rise to the violation, and shall include any costs incurred by the city to relocate the residents.

(f) The commissioner of health shall notify the director of business affairs and consumer protection immediately upon the closure of any facility pursuant to this section.

(g) The summary closure of any licensed facility shall constitute grounds for suspension or revocation of the license.

4-96-100 Reports.

Every licensee shall make such reports to the department of health as it may from time to time require by rules as promulgated by the board of health. Every long-term care facility which provides care to people who have been admitted solely due to their need for mental health services shall file a quarterly report with the department of health which details: (1) the number of residents in the facility who are receiving care solely due to their need for mental health services; and (2) the number, qualifications and training of the staff who provide care to residents with developmental disabilities or mental illnesses.

All reports shall be furnished on forms prepared and supplied by the department of health for such purpose, and shall be verified by the signature of the chief physician or administrator of such facility.

SECTION 2. Section 2-50-040 of the Municipal Code of Chicago is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

2-50-040 Commissioner of family and support services – Powers and duties.

The duties and powers of the commissioner shall be as follows:

(a) To plan, initiate, supervise and coordinate programs and projects, with or without federal or state assistance, which provide or expand human opportunity, assistance, counseling, or other related guidance and development services for residents, with special emphasis upon their needs, aspirations and welfare;

(Omitted text is unaffected by this ordinance)

(o) to enter into agreements with public entities, private entities and individuals to operate facilities that serve the needs of older persons, and to exercise rights afforded to the department pursuant to such agreements between or among parties other than the City, and to enter into and execute all such other instruments and to perform any and all acts, including the expenditure of funds subject to appropriation therefore and the granting of the use of the City's personal property, as shall be necessary or advisable in connection with the implementation of such agreements, including any renewals thereto, and including provisions providing

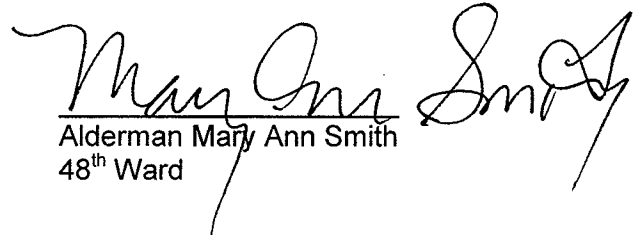
indemnification; and

(p) To establish and administer workforce development programs that will: (1) support public and private relationships to increase employment opportunities for Chicagoans and prepare Chicagoans for the global workplace; and/or (2) include a citywide service delivery system which responds to employer needs.

The department is designated as the administrator for workforce development services, including the Workforce Investment Act (WIA) Title 1 programs. The commissioner shall coordinate activities of the WIA programs operated by the department with oversight from the Chicago Workforce Investment Council, the federally mandated workforce investment board authorized to set policy for the portion of the statewide workforce investment system within the local area: and

(q) To coordinate among the city departments the collection and dissemination of information regarding inspections, investigations and complaints pertaining to long-term care facilities, as that term is defined in section 4-96-010.

SECTION 3. The amendments to Section 4-96-070 contained in this ordinance shall take effect on June 1, 2010; the remainder of this ordinance shall take effect 30 days after its passage and approval.


Alderman Mary Ann Smith
48th Ward

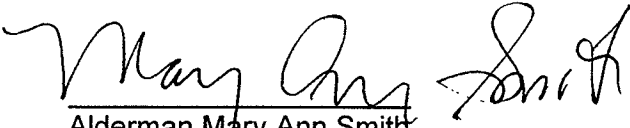
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MAR 10 2010

Maryvale
City Clerk

City of Chicago