



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2285

Introduced 2/18/2009, by Rep. Elizabeth Coulson

SYNOPSIS AS INTRODUCED:

20 ILCS 1705/4 from Ch. 91 1/2, par. 100-4
110 ILCS 330/8 new
210 ILCS 45/3-206.05 new
210 ILCS 85/6.25 new

Amends the Mental Health and Developmental Disabilities Administrative Act, the University of Illinois Hospital Act, the Nursing Home Care Act, and the Hospital Licensing Act. Provides that a hospital or nursing home shall adopt a policy to identify, assess, and develop strategies to control risk of injury to residents or patients and nurses and other health care workers associated with the lifting, transferring, repositioning, or movement of a resident or patient. Sets forth matters that must be included in the policy, including: (1) analysis of the risk of injury to residents or patients and nurses and other health care workers posted by the resident or patient handling needs of the resident or patient populations served by the facility and the physical environment in which the resident or patient handling and movement occurs; (2) education of nurses in the identification, assessment, and control of risks of injury to residents or patients and nurses and other health care workers during resident or patient handling; and (3) evaluation of alternative ways to reduce risks associated with resident or patient handling, including evaluation of equipment and the environment. Requires that Department of Human Services-operated State mental health centers and developmental centers and the University of Illinois Hospital comply with these provisions. Effective January 1, 2010.

LRB096 07590 DRJ 17685 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Mental Health and Developmental
5 Disabilities Administrative Act is amended by changing Section
6 4 as follows:

7 (20 ILCS 1705/4) (from Ch. 91 1/2, par. 100-4)

8 Sec. 4. Supervision of facilities and services; quarterly
9 reports.

10 (a) To exercise executive and administrative supervision
11 over all facilities, divisions, programs and services now
12 existing or hereafter acquired or created under the
13 jurisdiction of the Department, including, but not limited to,
14 the following:

15 The Alton Mental Health Center, at Alton

16 The Clyde L. Choate Mental Health and Developmental
17 Center, at Anna

18 The Chester Mental Health Center, at Chester

19 The Chicago-Read Mental Health Center, at Chicago

20 The Elgin Mental Health Center, at Elgin

21 The Metropolitan Children and Adolescents Center, at
22 Chicago

23 The Jacksonville Developmental Center, at Jacksonville

1 The Governor Samuel H. Shapiro Developmental Center,
2 at Kankakee

3 The Tinley Park Mental Health Center, at Tinley Park

4 The Warren G. Murray Developmental Center, at
5 Centralia

6 The Jack Mabley Developmental Center, at Dixon

7 The Lincoln Developmental Center, at Lincoln

8 The H. Douglas Singer Mental Health and Developmental
9 Center, at Rockford

10 The John J. Madden Mental Health Center, at Chicago

11 The George A. Zeller Mental Health Center, at Peoria

12 The Andrew McFarland Mental Health Center, at
13 Springfield

14 The Adolf Meyer Mental Health Center, at Decatur

15 The William W. Fox Developmental Center, at Dwight

16 The Elisabeth Ludeman Developmental Center, at Park
17 Forest

18 The William A. Howe Developmental Center, at Tinley
19 Park

20 The Ann M. Kiley Developmental Center, at Waukegan.

21 (b) Beginning not later than July 1, 1977, the Department
22 shall cause each of the facilities under its jurisdiction which
23 provide in-patient care to comply with standards, rules and
24 regulations of the Department of Public Health prescribed under
25 Section 6.05 of the Hospital Licensing Act.

26 (b-5) The Department shall cause each of the facilities

1 under its jurisdiction that provide in-patient care to comply
2 with Section 6.25 of the Hospital Licensing Act.

3 (c) The Department shall issue quarterly reports on
4 admissions, deflections, discharges, bed closures,
5 staff-resident ratios, census, average length of stay, and any
6 adverse federal certification or accreditation findings, if
7 any, for each State-operated facility for the mentally ill and
8 developmentally disabled.

9 (Source: P.A. 93-636, eff. 6-1-04.)

10 Section 10. The University of Illinois Hospital Act is
11 amended by adding Section 8 as follows:

12 (110 ILCS 330/8 new)

13 Sec. 8. Safe patient handling policy. The University of
14 Illinois Hospital shall cause each of the facilities under its
15 jurisdiction that provide in-patient care to comply with
16 Section 6.25 of the Hospital Licensing Act.

17 Section 15. The Nursing Home Care Act is amended by adding
18 Section 3-206.05 as follows:

19 (210 ILCS 45/3-206.05 new)

20 Sec. 3-206.05. Safe resident handling policy.

21 (a) In this Section:

22 "Health care worker" means an individual providing direct

1 resident care services who may be required to lift, transfer,
2 reposition, or move a resident.

3 "Nurse" means an advanced practice nurse, a registered
4 nurse, or a licensed practical nurse licensed under the Nurse
5 Practice Act.

6 (b) A facility must adopt and ensure implementation of a
7 policy to identify, assess, and develop strategies to control
8 risk of injury to residents and nurses and other health care
9 workers associated with the lifting, transferring,
10 repositioning, or movement of a resident. The policy shall
11 establish a process that, at a minimum, includes all of the
12 following:

13 (1) Analysis of the risk of injury to residents and
14 nurses and other health care workers posted by the resident
15 handling needs of the resident populations served by the
16 facility and the physical environment in which the resident
17 handling and movement occurs.

18 (2) Education of nurses in the identification,
19 assessment, and control of risks of injury to residents and
20 nurses and other health care workers during resident
21 handling.

22 (3) Evaluation of alternative ways to reduce risks
23 associated with resident handling, including evaluation of
24 equipment and the environment.

25 (4) Restriction, to the extent feasible with existing
26 equipment and aids, of manual resident handling or movement

1 of all or most of a resident's weight except for emergency,
2 life-threatening, or otherwise exceptional circumstances.

3 (5) Collaboration with and an annual report to the
4 nurse staffing committee.

5 (6) Procedures for a nurse to refuse to perform or be
6 involved in resident handling or movement that the nurse in
7 good faith believes will expose a resident or nurse or
8 other health care worker to an unacceptable risk of injury.

9 (7) Submission of an annual report to the facility's
10 governing body or quality assurance committee on
11 activities related to the identification, assessment, and
12 development of strategies to control risk of injury to
13 residents and nurses and other health care workers
14 associated with the lifting, transferring, repositioning,
15 or movement of a resident.

16 (8) In developing architectural plans for construction
17 or remodeling of a facility or unit of a facility in which
18 resident handling and movement occurs, consideration of
19 the feasibility of incorporating resident handling
20 equipment or the physical space and construction design
21 needed to incorporate that equipment.

22 Section 20. The Hospital Licensing Act is amended by adding
23 Section 6.25 as follows:

24 (210 ILCS 85/6.25 new)

1 Sec. 6.25. Safe patient handling policy.

2 (a) In this Section:

3 "Health care worker" means an individual providing direct
4 patient care services who may be required to lift, transfer,
5 reposition, or move a patient.

6 "Nurse" means an advanced practice nurse, a registered
7 nurse, or a licensed practical nurse licensed under the Nurse
8 Practice Act.

9 (b) A hospital must adopt and ensure implementation of a
10 policy to identify, assess, and develop strategies to control
11 risk of injury to patients and nurses and other health care
12 workers associated with the lifting, transferring,
13 repositioning, or movement of a patient. The policy shall
14 establish a process that, at a minimum, includes all of the
15 following:

16 (1) Analysis of the risk of injury to patients and
17 nurses and other health care workers posted by the patient
18 handling needs of the patient populations served by the
19 hospital and the physical environment in which the patient
20 handling and movement occurs.

21 (2) Education of nurses in the identification,
22 assessment, and control of risks of injury to patients and
23 nurses and other health care workers during patient
24 handling.

25 (3) Evaluation of alternative ways to reduce risks
26 associated with patient handling, including evaluation of

1 equipment and the environment.

2 (4) Restriction, to the extent feasible with existing
3 equipment and aids, of manual patient handling or movement
4 of all or most of a patient's weight except for emergency,
5 life-threatening, or otherwise exceptional circumstances.

6 (5) Collaboration with and an annual report to the
7 nurse staffing committee.

8 (6) Procedures for a nurse to refuse to perform or be
9 involved in patient handling or movement that the nurse in
10 good faith believes will expose a patient or nurse or other
11 health care worker to an unacceptable risk of injury.

12 (7) Submission of an annual report to the hospital's
13 governing body or quality assurance committee on
14 activities related to the identification, assessment, and
15 development of strategies to control risk of injury to
16 patients and nurses and other health care workers
17 associated with the lifting, transferring, repositioning,
18 or movement of a patient.

19 (8) In developing architectural plans for construction
20 or remodeling of a hospital or unit of a hospital in which
21 patient handling and movement occurs, consideration of the
22 feasibility of incorporating patient handling equipment or
23 the physical space and construction design needed to
24 incorporate that equipment.

25 Section 99. Effective date. This Act takes effect January
26 1, 2010.