



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1540

by Rep. Keith Farnham

SYNOPSIS AS INTRODUCED:

210 ILCS 45/2-207.1 new
210 ILCS 45/3-206

from Ch. 111 1/2, par. 4153-206

Amends the Nursing Home Care Act. Provides that upon the request of a resident representative, a facility shall provide the names and job titles of all employees that had access to a resident, the resident's room, and the resident's financial records in the 30 days preceding an alleged incident that resulted in the filing of a complaint with the Department of Public Health. Provides that the facility shall prepare the list and provide it electronically to the requesting resident representative within 30 days after the filing of the complaint. Adds to the mandated curriculum for training nursing assistants, habilitation aides, and child care aides participation in training each year that assists nursing assistants and habilitation aides in coping with individuals of advanced years who have hearing, memory, physical, and cognitive impairments. Provides that the training shall use a curriculum approved by the Department of Public Health. Effective immediately.

LRB098 02828 RPM 32837 b

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 Nursing Home Care Act is amended by changing
5 Section 3-206 and by adding Section 2-207.1 as follows:

6 (210 ILCS 45/2-207.1 new)

7 Sec. 2-207.1. Employee information. Upon the request of a
8 resident representative, a facility shall provide the names and
9 job titles of all employees that had access to a resident, the
10 resident's room, and the resident's financial records in the 30
11 days preceding an alleged incident that resulted in the filing
12 of a complaint with the Department of Public Health. The
13 facility shall prepare the list and provide it electronically
14 to the requesting resident representative within 30 days after
15 the filing of the complaint.

16 (210 ILCS 45/3-206) (from Ch. 111 1/2, par. 4153-206)

17 Sec. 3-206. The Department shall prescribe a curriculum for
18 training nursing assistants, habilitation aides, and child
19 care aides.

20 (a) No person, except a volunteer who receives no
21 compensation from a facility and is not included for the
22 purpose of meeting any staffing requirements set forth by the

1 Department, shall act as a nursing assistant, habilitation
2 aide, or child care aide in a facility, nor shall any person,
3 under any other title, not licensed, certified, or registered
4 to render medical care by the Department of Professional
5 Regulation, assist with the personal, medical, or nursing care
6 of residents in a facility, unless such person meets the
7 following requirements:

8 (1) Be at least 16 years of age, of temperate habits
9 and good moral character, honest, reliable and
10 trustworthy.

11 (2) Be able to speak and understand the English
12 language or a language understood by a substantial
13 percentage of the facility's residents.

14 (3) Provide evidence of employment or occupation, if
15 any, and residence for 2 years prior to his present
16 employment.

17 (4) Have completed at least 8 years of grade school or
18 provide proof of equivalent knowledge.

19 (5) Begin a current course of training for nursing
20 assistants, habilitation aides, or child care aides,
21 approved by the Department, within 45 days of initial
22 employment in the capacity of a nursing assistant,
23 habilitation aide, or child care aide at any facility. Such
24 courses of training shall be successfully completed within
25 120 days of initial employment in the capacity of nursing
26 assistant, habilitation aide, or child care aide at a

1 facility. Nursing assistants, habilitation aides, and
2 child care aides who are enrolled in approved courses in
3 community colleges or other educational institutions on a
4 term, semester or trimester basis, shall be exempt from the
5 120 day completion time limit. The Department shall adopt
6 rules for such courses of training. These rules shall
7 include procedures for facilities to carry on an approved
8 course of training ~~within the facility~~.

9 The Department may accept comparable training in lieu
10 of the 120 hour course for student nurses, foreign nurses,
11 military personnel, or employees ~~employes~~ of the
12 Department of Human Services.

13 The facility shall develop and implement procedures,
14 which shall be approved by the Department, for an ongoing
15 review process, which shall take place within the facility,
16 for nursing assistants, habilitation aides, and child care
17 aides.

18 At the time of each regularly scheduled licensure
19 survey, or at the time of a complaint investigation, the
20 Department may require any nursing assistant, habilitation
21 aide, or child care aide to demonstrate, either through
22 written examination or action, or both, sufficient
23 knowledge in all areas of required training. If such
24 knowledge is inadequate the Department shall require the
25 nursing assistant, habilitation aide, or child care aide to
26 complete inservice training and review in the facility

1 until the nursing assistant, habilitation aide, or child
2 care aide demonstrates to the Department, either through
3 written examination or action, or both, sufficient
4 knowledge in all areas of required training.

5 (6) Be familiar with and have general skills related to
6 resident care.

7 (7) Participate in training each year that assists
8 nursing assistants and habilitation aides in coping with
9 individuals of advanced years who have hearing, memory,
10 physical, and cognitive impairments. Training shall use a
11 curriculum approved by the Department.

12 (a-0.5) An educational entity, other than a secondary
13 school, conducting a nursing assistant, habilitation aide, or
14 child care aide training program shall initiate a criminal
15 history record check in accordance with the Health Care Worker
16 Background Check Act prior to entry of an individual into the
17 training program. A secondary school may initiate a criminal
18 history record check in accordance with the Health Care Worker
19 Background Check Act at any time during or after a training
20 program.

21 (a-1) Nursing assistants, habilitation aides, or child
22 care aides seeking to be included on the registry maintained
23 under Section 3-206.01 on or after January 1, 1996 must
24 authorize the Department of Public Health or its designee to
25 request a criminal history record check in accordance with the
26 Health Care Worker Background Check Act and submit all

1 necessary information. An individual may not newly be included
2 on the registry unless a criminal history record check has been
3 conducted with respect to the individual.

4 (b) Persons subject to this Section shall perform their
5 duties under the supervision of a licensed nurse.

6 (c) It is unlawful for any facility to employ any person in
7 the capacity of nursing assistant, habilitation aide, or child
8 care aide, or under any other title, not licensed by the State
9 of Illinois to assist in the personal, medical, or nursing care
10 of residents in such facility unless such person has complied
11 with this Section.

12 (d) Proof of compliance by each employee with the
13 requirements set out in this Section shall be maintained for
14 each such employee by each facility in the individual personnel
15 folder of the employee. Proof of training shall be obtained
16 only from the health care worker registry.

17 (e) Each facility shall obtain access to the health care
18 worker registry's web application, maintain the employment and
19 demographic information relating to each employee, and verify
20 by the category and type of employment that each employee
21 subject to this Section meets all the requirements of this
22 Section.

23 (f) Any facility that is operated under Section 3-803 shall
24 be exempt from the requirements of this Section.

25 (g) Each skilled nursing and intermediate care facility
26 that admits persons who are diagnosed as having Alzheimer's

1 disease or related dementias shall require all nursing
2 assistants, habilitation aides, or child care aides, who did
3 not receive 12 hours of training in the care and treatment of
4 such residents during the training required under paragraph (5)
5 of subsection (a), to obtain 12 hours of in-house training in
6 the care and treatment of such residents. If the facility does
7 not provide the training in-house, the training shall be
8 obtained from other facilities, community colleges or other
9 educational institutions that have a recognized course for such
10 training. The Department shall, by rule, establish a recognized
11 course for such training. The Department's rules shall provide
12 that such training may be conducted in-house at each facility
13 subject to the requirements of this subsection, in which case
14 such training shall be monitored by the Department.

15 The Department's rules shall also provide for
16 circumstances and procedures whereby any person who has
17 received training that meets the requirements of this
18 subsection shall not be required to undergo additional training
19 if he or she is transferred to or obtains employment at a
20 different facility or a facility other than a long-term care
21 facility but remains continuously employed for pay as a nursing
22 assistant, habilitation aide, or child care aide. Individuals
23 who have performed no nursing or nursing-related services for a
24 period of 24 consecutive months shall be listed as "inactive"
25 and as such do not meet the requirements of this Section.
26 Licensed sheltered care facilities shall be exempt from the

1 requirements of this Section.

2 (Source: P.A. 96-1372, eff. 7-29-10.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.