

# HB0481



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0481

by Rep. Avery Bourne

### SYNOPSIS AS INTRODUCED:

210 ILCS 45/3-206  
210 ILCS 46/3-206  
210 ILCS 47/3-206

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

Amends the Nursing Home Care Act, MC/DD Act, and ID/DD Community Care Act. Provides that the Department of Public Health shall allow an individual to satisfy a specified supervised clinical experience requirement through supervised clinical experience at an assisted living establishment licensed under the Assisted Living and Shared Housing Act.

LRB100 06343 MJP 16381 b

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

6 (210 ILCS 45/3-206) (from Ch. 111 1/2, par. 4153-206)

7 Sec. 3-206. The Department shall prescribe a curriculum for  
8 training nursing assistants, habilitation aides, and child  
9 care aides.

10 (a) No person, except a volunteer who receives no  
11 compensation from a facility and is not included for the  
12 purpose of meeting any staffing requirements set forth by the  
13 Department, shall act as a nursing assistant, habilitation  
14 aide, or child care aide in a facility, nor shall any person,  
15 under any other title, not licensed, certified, or registered  
16 to render medical care by the Department of Professional  
17 Regulation, assist with the personal, medical, or nursing care  
18 of residents in a facility, unless such person meets the  
19 following requirements:

20 (1) Be at least 16 years of age, of temperate habits  
21 and good moral character, honest, reliable and  
22 trustworthy.

23 (2) Be able to speak and understand the English

1 language or a language understood by a substantial  
2 percentage of the facility's residents.

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

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

8 (5) Begin a current course of training for nursing  
9 assistants, habilitation aides, or child care aides,  
10 approved by the Department, within 45 days of initial  
11 employment in the capacity of a nursing assistant,  
12 habilitation aide, or child care aide at any facility. Such  
13 courses of training shall be successfully completed within  
14 120 days of initial employment in the capacity of nursing  
15 assistant, habilitation aide, or child care aide at a  
16 facility. Nursing assistants, habilitation aides, and  
17 child care aides who are enrolled in approved courses in  
18 community colleges or other educational institutions on a  
19 term, semester or trimester basis, shall be exempt from the  
20 120 day completion time limit. The Department shall adopt  
21 rules for such courses of training. These rules shall  
22 include procedures for facilities to carry on an approved  
23 course of training within the facility. The Department  
24 shall allow an individual to satisfy the supervised  
25 clinical experience requirement for placement on the Nurse  
26 Aide Registry under 77 Ill. Adm. Code 300.663 through

1 supervised clinical experience at an assisted living  
2 establishment licensed under the Assisted Living and  
3 Shared Housing Act.

4 The Department may accept comparable training in lieu  
5 of the 120 hour course for student nurses, foreign nurses,  
6 military personnel, or employes of the Department of Human  
7 Services.

8 The facility shall develop and implement procedures,  
9 which shall be approved by the Department, for an ongoing  
10 review process, which shall take place within the facility,  
11 for nursing assistants, habilitation aides, and child care  
12 aides.

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

26 (6) Be familiar with and have general skills related to

1 resident care.

2 (a-0.5) An educational entity, other than a secondary  
3 school, conducting a nursing assistant, habilitation aide, or  
4 child care aide training program shall initiate a criminal  
5 history record check in accordance with the Health Care Worker  
6 Background Check Act prior to entry of an individual into the  
7 training program. A secondary school may initiate a criminal  
8 history record check in accordance with the Health Care Worker  
9 Background Check Act at any time during or after a training  
10 program.

11 (a-1) Nursing assistants, habilitation aides, or child  
12 care aides seeking to be included on the registry maintained  
13 under Section 3-206.01 on or after January 1, 1996 must  
14 authorize the Department of Public Health or its designee to  
15 request a criminal history record check in accordance with the  
16 Health Care Worker Background Check Act and submit all  
17 necessary information. An individual may not newly be included  
18 on the registry unless a criminal history record check has been  
19 conducted with respect to the individual.

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

22 (c) It is unlawful for any facility to employ any person in  
23 the capacity of nursing assistant, habilitation aide, or child  
24 care aide, or under any other title, not licensed by the State  
25 of Illinois to assist in the personal, medical, or nursing care  
26 of residents in such facility unless such person has complied

1 with this Section.

2 (d) Proof of compliance by each employee with the  
3 requirements set out in this Section shall be maintained for  
4 each such employee by each facility in the individual personnel  
5 folder of the employee. Proof of training shall be obtained  
6 only from the health care worker registry.

7 (e) Each facility shall obtain access to the health care  
8 worker registry's web application, maintain the employment and  
9 demographic information relating to each employee, and verify  
10 by the category and type of employment that each employee  
11 subject to this Section meets all the requirements of this  
12 Section.

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

15 (g) Each skilled nursing and intermediate care facility  
16 that admits persons who are diagnosed as having Alzheimer's  
17 disease or related dementias shall require all nursing  
18 assistants, habilitation aides, or child care aides, who did  
19 not receive 12 hours of training in the care and treatment of  
20 such residents during the training required under paragraph (5)  
21 of subsection (a), to obtain 12 hours of in-house training in  
22 the care and treatment of such residents. If the facility does  
23 not provide the training in-house, the training shall be  
24 obtained from other facilities, community colleges or other  
25 educational institutions that have a recognized course for such  
26 training. The Department shall, by rule, establish a recognized

1 course for such training. The Department's rules shall provide  
2 that such training may be conducted in-house at each facility  
3 subject to the requirements of this subsection, in which case  
4 such training shall be monitored by the Department.

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

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

19 Section 10. The MC/DD Act is amended by changing Section  
20 3-206 as follows:

21 (210 ILCS 46/3-206)

22 Sec. 3-206. Curriculum for training nursing assistants and  
23 aides. The Department shall prescribe a curriculum for training  
24 nursing assistants, habilitation aides, and child care aides.

1           (a) No person, except a volunteer who receives no  
2 compensation from a facility and is not included for the  
3 purpose of meeting any staffing requirements set forth by the  
4 Department, shall act as a nursing assistant, habilitation  
5 aide, or child care aide in a facility, nor shall any person,  
6 under any other title, not licensed, certified, or registered  
7 to render medical care by the Department of Financial and  
8 Professional Regulation, assist with the personal, medical, or  
9 nursing care of residents in a facility, unless such person  
10 meets the following requirements:

11           (1) Be at least 16 years of age, of temperate habits  
12 and good moral character, honest, reliable and  
13 trustworthy.

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

17           (3) Provide evidence of employment or occupation, if  
18 any, and residence for 2 years prior to his or her present  
19 employment.

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

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



1 courses of training shall be successfully completed within  
2 120 days of initial employment in the capacity of nursing  
3 assistant, habilitation aide, or child care aide at a  
4 facility. Nursing assistants, habilitation aides, and  
5 child care aides who are enrolled in approved courses in  
6 community colleges or other educational institutions on a  
7 term, semester or trimester basis, shall be exempt from the  
8 120-day completion time limit. The Department shall adopt  
9 rules for such courses of training. These rules shall  
10 include procedures for facilities to carry on an approved  
11 course of training within the facility. The Department  
12 shall allow an individual to satisfy the supervised  
13 clinical experience requirement for placement on the Nurse  
14 Aide Registry under 77 Ill. Adm. Code 300.663 through  
15 supervised clinical experience at an assisted living  
16 establishment licensed under the Assisted Living and  
17 Shared Housing Act.

18 The Department may accept comparable training in lieu  
19 of the 120-hour course for student nurses, foreign nurses,  
20 military personnel, or employees of the Department of Human  
21 Services.

22 The facility shall develop and implement procedures,  
23 which shall be approved by the Department, for an ongoing  
24 review process, which shall take place within the facility,  
25 for nursing assistants, habilitation aides, and child care  
26 aides.

1           At the time of each regularly scheduled licensure  
2           survey, or at the time of a complaint investigation, the  
3           Department may require any nursing assistant, habilitation  
4           aide, or child care aide to demonstrate, either through  
5           written examination or action, or both, sufficient  
6           knowledge in all areas of required training. If such  
7           knowledge is inadequate the Department shall require the  
8           nursing assistant, habilitation aide, or child care aide to  
9           complete inservice training and review in the facility  
10          until the nursing assistant, habilitation aide, or child  
11          care aide demonstrates to the Department, either through  
12          written examination or action, or both, sufficient  
13          knowledge in all areas of required training; and

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

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

25                 (a-1) Nursing assistants, habilitation aides, or child  
26          care aides seeking to be included on the registry maintained

1 under Section 3-206.01 of this Act must authorize the  
2 Department of Public Health or its designee to request a  
3 criminal history record check in accordance with the Health  
4 Care Worker Background Check Act and submit all necessary  
5 information. An individual may not newly be included on the  
6 registry unless a criminal history record check has been  
7 conducted with respect to the individual.

8 (b) Persons subject to this Section shall perform their  
9 duties under the supervision of a licensed nurse or other  
10 appropriately trained, licensed, or certified personnel.

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

17 (d) Proof of compliance by each employee with the  
18 requirements set out in this Section shall be maintained for  
19 each such employee by each facility in the individual personnel  
20 folder of the employee. Proof of training shall be obtained  
21 only from the health care worker registry.

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

1 Section.

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

4 (g) Each skilled nursing and intermediate care facility  
5 that admits persons who are diagnosed as having Alzheimer's  
6 disease or related dementias shall require all nursing  
7 assistants, habilitation aides, or child care aides, who did  
8 not receive 12 hours of training in the care and treatment of  
9 such residents during the training required under paragraph (5)  
10 of subsection (a), to obtain 12 hours of in house training in  
11 the care and treatment of such residents. If the facility does  
12 not provide the training in house, the training shall be  
13 obtained from other facilities, community colleges or other  
14 educational institutions that have a recognized course for such  
15 training. The Department shall, by rule, establish a recognized  
16 course for such training.

17 The Department's rules shall provide that such training may  
18 be conducted in house at each facility subject to the  
19 requirements of this subsection, in which case such training  
20 shall be monitored by the Department. The Department's rules  
21 shall also provide for circumstances and procedures whereby any  
22 person who has received training that meets the requirements of  
23 this subsection shall not be required to undergo additional  
24 training if he or she is transferred to or obtains employment  
25 at a different facility or a facility other than those licensed  
26 under this Act but remains continuously employed as a nursing

1 assistant, habilitation aide, or child care aide. Individuals  
2 who have performed no nursing, nursing-related services, or  
3 habilitation services for a period of 24 consecutive months  
4 shall be listed as inactive and as such do not meet the  
5 requirements of this Section. Licensed sheltered care  
6 facilities shall be exempt from the requirements of this  
7 Section.

8 (Source: P.A. 99-180, eff. 7-29-15.)

9 Section 15. The ID/DD Community Care Act is amended by  
10 changing Section 3-206 as follows:

11 (210 ILCS 47/3-206)

12 Sec. 3-206. Curriculum for training nursing assistants and  
13 aides. The Department shall prescribe a curriculum for training  
14 nursing assistants, habilitation aides, and child care aides.

15 (a) No person, except a volunteer who receives no  
16 compensation from a facility and is not included for the  
17 purpose of meeting any staffing requirements set forth by the  
18 Department, shall act as a nursing assistant, habilitation  
19 aide, or child care aide in a facility, nor shall any person,  
20 under any other title, not licensed, certified, or registered  
21 to render medical care by the Department of Financial and  
22 Professional Regulation, assist with the personal, medical, or  
23 nursing care of residents in a facility, unless such person  
24 meets the following requirements:

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

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

7           (3) Provide evidence of employment or occupation, if  
8           any, and residence for 2 years prior to his or her present  
9           employment.

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

12          (5) Begin a current course of training for nursing  
13          assistants, habilitation aides, or child care aides,  
14          approved by the Department, within 45 days of initial  
15          employment in the capacity of a nursing assistant,  
16          habilitation aide, or child care aide at any facility. Such  
17          courses of training shall be successfully completed within  
18          120 days of initial employment in the capacity of nursing  
19          assistant, habilitation aide, or child care aide at a  
20          facility. Nursing assistants, habilitation aides, and  
21          child care aides who are enrolled in approved courses in  
22          community colleges or other educational institutions on a  
23          term, semester or trimester basis, shall be exempt from the  
24          120-day completion time limit. The Department shall adopt  
25          rules for such courses of training. These rules shall  
26          include procedures for facilities to carry on an approved

1 course of training within the facility. The Department  
2 shall allow an individual to satisfy the supervised  
3 clinical experience requirement for placement on the Nurse  
4 Aide Registry under 77 Ill. Adm. Code 300.663 through  
5 supervised clinical experience at an assisted living  
6 establishment licensed under the Assisted Living and  
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9 of the 120-hour course for student nurses, foreign nurses,  
10 military personnel, or employees of the Department of Human  
11 Services.

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13 which shall be approved by the Department, for an ongoing  
14 review process, which shall take place within the facility,  
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16 aides.

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

1 care aide demonstrates to the Department, either through  
2 written examination or action, or both, sufficient  
3 knowledge in all areas of required training; and

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

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

15 (a-1) Nursing assistants, habilitation aides, or child  
16 care aides seeking to be included on the registry maintained  
17 under Section 3-206.01 of this Act must authorize the  
18 Department of Public Health or its designee to request a  
19 criminal history record check in accordance with the Health  
20 Care Worker Background Check Act and submit all necessary  
21 information. An individual may not newly be included on the  
22 registry unless a criminal history record check has been  
23 conducted with respect to the individual.

24 (b) Persons subject to this Section shall perform their  
25 duties under the supervision of a licensed nurse or other  
26 appropriately trained, licensed, or certified personnel.



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

7           (d) Proof of compliance by each employee with the  
8 requirements set out in this Section shall be maintained for  
9 each such employee by each facility in the individual personnel  
10 folder of the employee. Proof of training shall be obtained  
11 only from the health care worker registry.

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

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

20           (g) Each skilled nursing and intermediate care facility  
21 that admits persons who are diagnosed as having Alzheimer's  
22 disease or related dementias shall require all nursing  
23 assistants, habilitation aides, or child care aides, who did  
24 not receive 12 hours of training in the care and treatment of  
25 such residents during the training required under paragraph (5)  
26 of subsection (a), to obtain 12 hours of in house training in

1 the care and treatment of such residents. If the facility does  
2 not provide the training in house, the training shall be  
3 obtained from other facilities, community colleges or other  
4 educational institutions that have a recognized course for such  
5 training. The Department shall, by rule, establish a recognized  
6 course for such training.

7 The Department's rules shall provide that such training may  
8 be conducted in house at each facility subject to the  
9 requirements of this subsection, in which case such training  
10 shall be monitored by the Department. The Department's rules  
11 shall also provide for circumstances and procedures whereby any  
12 person who has received training that meets the requirements of  
13 this subsection shall not be required to undergo additional  
14 training if he or she is transferred to or obtains employment  
15 at a different facility or a facility other than those licensed  
16 under this Act but remains continuously employed as a nursing  
17 assistant, habilitation aide, or child care aide. Individuals  
18 who have performed no nursing, nursing-related services, or  
19 habilitation services for a period of 24 consecutive months  
20 shall be listed as inactive and as such do not meet the  
21 requirements of this Section. Licensed sheltered care  
22 facilities shall be exempt from the requirements of this  
23 Section.

24 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11.)