



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4134

Introduced 9/3/2021, by Rep. Anna Moeller

SYNOPSIS AS INTRODUCED:

See Index

Amends the Nursing Home Care Act. Provides that within one month after the effective date of the amendatory Act, all facilities licensed under the Act must adopt and implement a COVID-19 vaccination mandate that requires all facility staff members licensed in this State to receive a single-shot COVID-19 vaccine or the first dose of a 2-dose COVID-19 vaccine within 7 business days after the facility's mandate takes effect. Provides that the mandate must also require those licensed facility staff members who receive the first dose of a 2-dose COVID-19 vaccine to receive the second dose within the timeframe recommended by the U.S. Food and Drug Administration. Requires the Department of Public Health to issue a notice of noncompliance to facilities and licensed facility staff members who violate the provisions of the amendatory Act. Provides that a facility shall be fined \$500 for each week that the facility fails to comply, not to exceed \$24,000 per calendar year. Provides that if a facility fails to comply with the requirements of the amendatory Act within 10 business days after receiving a notice of noncompliance, the Department shall notify the facility in writing that its operational license is subject to revocation. Provides that if a facility staff member fails to comply with a facility's COVID-19 vaccination mandate within 5 business days after receiving a notice of noncompliance, the facility staff member shall be notified by the Department that his or her occupational or professional license will be revoked. Provides that a facility staff member's license will be reinstated upon providing proof of compliance with the facility's COVID-19 vaccination mandate to the Department. Amends the State Finance Act. Creates the Nursing Home Infection Control Fund. Effective immediately.

LRB102 19623 CPF 28506 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 State Finance Act is amended by adding
5 Section 5.942 as follows:

6 (30 ILCS 105/5.942 new)

7 Sec. 5.942. Nursing Home Infection Control Fund. The
8 Nursing Home Infection Control Fund is created as a special
9 fund in the State treasury. The Fund shall consist of moneys
10 obtained from fees collected by the Department of Public
11 Health under Section 3-325 of the Nursing Home Care Act and
12 moneys appropriated to the Department of Public Health for the
13 purpose of infection control in facilities licensed under the
14 Nursing Home Care Act. Subject to appropriation, moneys in the
15 Fund shall be used by the Department of Public Health to carry
16 out the aforementioned purpose and for no other purpose. All
17 interest earned on moneys in the Fund shall be deposited into
18 the Fund.

19 Section 10. The Nursing Home Care Act is amended by adding
20 Section 3-325 as follows:

21 (210 ILCS 45/3-325 new)

1 Sec. 3-325. COVID-19 vaccination mandate; penalties.

2 (a) Within one month after the effective date of this
3 amendatory Act of the 102nd General Assembly, all facilities
4 licensed under this Act must adopt and implement a COVID-19
5 vaccination mandate that requires all facility staff members
6 licensed in this State to receive a single-shot COVID-19
7 vaccine or the first dose of a 2-dose COVID-19 vaccine within 7
8 business days after the facility's mandate takes effect. The
9 mandate must also require those licensed facility staff
10 members who receive the first dose of a 2-dose COVID-19
11 vaccine to receive the second dose within the timeframe
12 recommended by the U.S. Food and Drug Administration. The
13 requirements of this Section shall remain in effect for the
14 duration of a disaster proclamation, and any subsequent
15 disaster proclamation, issued by the Governor in response to
16 the COVID-19 public health emergency.

17 (b) Upon discovering that a facility has failed to adopt
18 and implement a COVID-19 vaccination mandate as required under
19 subsection (a), the Department shall issue a written notice to
20 the facility informing the facility that it must comply with
21 subsection (a) within 5 business days after receipt of the
22 notice. If the facility does not comply with subsection (a)
23 within the 5-day period, then the facility shall be fined \$500
24 for each week that the facility fails to comply, not to exceed
25 \$24,000 per calendar year.

26 (c) If a facility does not comply with subsection (a)

1 within 10 business days after receiving notice from the
2 Department under subsection (b), the Department shall notify
3 the facility that its operational license will be revoked if
4 it does not comply with subsection (a) within 3 business days
5 after receiving the notification required under this
6 subsection.

7 (d) Upon discovering that a licensed facility staff member
8 has failed to comply with a facility's COVID-19 vaccination
9 mandate, the Department shall issue a written notice to the
10 staff member informing the staff member that he or she must
11 comply with the facility's COVID-19 vaccination mandate within
12 5 business days after receipt of the notice.

13 (e) If a licensed facility staff member does not comply
14 with a facility's COVID-19 vaccination mandate within 5
15 business days after receiving notice from the Department under
16 subsection (d), the Department shall notify the staff member
17 that his or her occupational or professional license will be
18 revoked if he or she does not comply with the policy
19 implemented under subsection (a) within 3 business days after
20 receiving the notification required under this subsection. A
21 facility staff member's license will be reinstated upon
22 providing proof of compliance with the facility's COVID-19
23 vaccination mandate to the Department.

24 (f) Fines collected by the Department under this Section
25 shall be deposited into the Nursing Home Infection Control
26 Fund created under Section 5.942 of the State Finance Act.

1 (g) The Department may adopt rules to implement this
2 Section.

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

1

INDEX

2

Statutes amended in order of appearance

3

30 ILCS 105/5.942 new

4

210 ILCS 45/3-325 new