

1 AN ACT concerning nursing homes.

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
5 changing 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
8 for training nursing assistants, habilitation aides, and
9 child 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
18 care of residents in a facility, unless such person meets the
19 following requirements:

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

23 (2) Be able to speak and understand the English
24 language or a language understood by a substantial
25 percentage of the facility's residents;

26 (3) Provide evidence of employment or occupation,
27 if any, and residence for one year ~~2-years~~ prior to his
28 or her present employment;

29 (4) Have completed at least 8 years of grade school
30 or provide proof of equivalent knowledge;

31 (5) Begin a current course of training for nursing

1 assistants, habilitation aides, or child care aides,
2 approved by the Department, within 45 days of initial
3 employment in the capacity of a nursing assistant,
4 habilitation aide, or child care aide at any facility.
5 Such courses of training shall be successfully completed
6 within 120 days of initial employment in the capacity of
7 nursing assistant, habilitation aide, or child care aide
8 at a facility. Nursing assistants, habilitation aides,
9 and child care aides who are enrolled in approved courses
10 in community colleges or other educational institutions
11 on a term, semester or trimester basis, shall be exempt
12 from the 120 day completion time limit. The Department
13 shall adopt rules for such courses of training. These
14 rules shall include procedures for facilities to carry on
15 an approved course of training within the facility.

16 The Department may accept comparable training in
17 lieu of the 120 hour course for student nurses, foreign
18 nurses, military personnel, or employes of the Department
19 of Human Services.

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

25 At the time of each regularly scheduled licensure
26 survey, or at the time of a complaint investigation, the
27 Department may require any nursing assistant,
28 habilitation aide, or child care aide to demonstrate,
29 either through written examination or action, or both,
30 sufficient knowledge in all areas of required training.
31 If such knowledge is inadequate the Department shall
32 require the nursing assistant, habilitation aide, or
33 child care aide to complete inservice training and review
34 in the facility until the nursing assistant, habilitation

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

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

7 (a-0.5) An educational entity, other than a secondary
8 school, conducting a nursing assistant, habilitation aide, or
9 child care aide training program shall initiate a UCIA
10 criminal history record check prior to entry of an individual
11 into the training program. A secondary school may initiate a
12 UCIA criminal history record check prior to the entry of an
13 individual into a training program.

14 (a-1) Nursing assistants, habilitation aides, or child
15 care aides seeking to be included on the registry on or after
16 January 1, 1996 must authorize the Department of Public
17 Health or its designee that tests nursing assistants to
18 request a UCIA criminal history check and submit all
19 necessary information.

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

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

28 (d) Proof of compliance by each employee with the
29 requirements set out in this Section shall be maintained for
30 each such employee by each facility in the individual
31 personnel folder of the employee.

32 (e) Each facility shall certify to the Department on a
33 form provided by the Department the name and residence
34 address of each employee, and that each employee subject to

1 this Section meets all the requirements of this Section.

2 (f) Any facility that is operated under Section 3-803
3 shall 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
10 (5) of subsection (a), to obtain 12 hours of in-house
11 training in the care and treatment of such residents. If the
12 facility does not provide the training in-house, the training
13 shall be obtained from other facilities, community colleges
14 or other educational institutions that have a recognized
15 course for such training. The Department shall, by rule,
16 establish a recognized course for such training. The
17 Department's rules shall provide that such training may be
18 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.

21 The Department's rules shall also provide for
22 circumstances and procedures whereby any person who has
23 received training that meets the requirements of this
24 subsection shall not be required to undergo additional
25 training if he or she is transferred to or obtains employment
26 at a different facility but remains continuously employed as
27 a nursing assistant, habilitation aide, or child care aide.
28 Licensed sheltered care facilities shall be exempt from the
29 requirements of this Section.

30 (Source: P.A. 91-598, eff. 1-1-00.)