



Sen. Jacqueline Y. Collins

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LRB097 04554 RPM 54286 a

1 AMENDMENT TO SENATE BILL 805

2 AMENDMENT NO. _____. Amend Senate Bill 805 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Nursing Home Care Act is amended by
5 changing Section 3-120 as follows:

6 (210 ILCS 45/3-120)

7 Sec. 3-120. Certification of behavioral management units.

8 (a) No later than January 1, 2011, the Department shall
9 file with the Joint Committee on Administrative Rules, pursuant
10 to the Illinois Administrative Procedure Act, proposed rules or
11 proposed amendments to existing rules to certify distinct
12 self-contained units within existing nursing homes for the
13 behavioral management of persons with a high risk of
14 aggression. The purpose of the certification program is to
15 ensure that the safety of residents, employees, and the public
16 is preserved.

1 (b) The Department's rules shall, at a minimum, provide for
2 the following:

3 (1) A security and safety assessment, completed before
4 admission to a certified unit if an Identified Offender
5 Report and Recommendation or other criminal risk analysis
6 has not been completed, to identify existing or potential
7 residents at risk of committing violent acts and determine
8 appropriate preventive action to be taken. The assessment
9 shall include, but need not be limited to, (i) a measure of
10 the frequency of, (ii) an identification of the
11 precipitating factors for, and (iii) the consequences of,
12 violent acts. The security and safety assessment shall be
13 in addition to any risk-of-harm assessment performed by a
14 PAS screener, but may use the results of this or any other
15 assessment. The security and safety assessment shall be
16 completed by the same licensed forensic psychologist who
17 prepares Identified Offender Reports and Recommendations
18 for identified offenders.

19 (2) Development of an individualized treatment and
20 behavior management plan for each resident to reduce
21 overall and specific risks.

22 (3) Room selection and appropriateness of roommate
23 assignment.

24 (4) Protection of residents, employees, and members of
25 the public from aggression by residents.

26 (5) Supervision and monitoring.

1 (6) Staffing levels in accordance with subsection (e)
2 of this Section.

3 (7) Quality assurance and improvement.

4 (8) Staff training, conducted during orientation and
5 periodically thereafter, specific to each job description
6 covering the following topics as appropriate:

7 (A) The violence escalation cycle.

8 (B) Violence predicting factors.

9 (C) Obtaining a history from a resident with a
10 history of violent behavior.

11 (D) Verbal and physical techniques to de-escalate
12 and minimize violent behavior.

13 (E) Strategies to avoid physical harm.

14 (F) Containment techniques, as permitted and
15 governed by law.

16 (G) Appropriate treatment to reduce violent
17 behavior.

18 (H) Documenting and reporting incidents of
19 violence.

20 (I) The process whereby employees affected by a
21 violent act may be debriefed or calmed down and the
22 tension of the situation may be reduced.

23 (J) Any resources available to employees for
24 coping with violence.

25 (K) Any other topic deemed appropriate based on job
26 description and the needs of this population.

1 (9) Elimination or reduction of environmental factors
2 that affect resident safety.

3 (10) Periodic independent reassessment of the
4 individual resident for appropriateness of continued
5 placement on the certified unit. For the purposes of this
6 paragraph (10), "independent" means that no professional
7 or financial relationship exists between any person making
8 the assessment and any community provider or long term care
9 facility.

10 (11) A definition of a "person with high risk of
11 aggression".

12 The Department shall develop the administrative rules
13 under this subsection (b) in collaboration with other relevant
14 State agencies and in consultation with (i) advocates for
15 residents, (ii) providers of nursing home services, and (iii)
16 labor and employee-representation organizations.

17 (c) A long term care facility found to be out of compliance
18 with the certification requirements under Section 3-120 may be
19 subject to denial, revocation, or suspension of the behavioral
20 management unit certification or the imposition of sanctions
21 and penalties, including the immediate suspension of new
22 admissions. Hearings shall be conducted pursuant to Part 7 of
23 Article III of this Act.

24 (d) The Department shall establish a certification fee
25 schedule by rule, in consultation with advocates, nursing
26 homes, and representatives of associations representing long

1 term care facilities.

2 (e) In order to determine the number of nursing personnel
3 needed to staff any facility as defined in Section 1-113 of
4 this Act, the following procedures shall be used:

5 (1) The facility shall determine the number of
6 residents needing (A) skilled, (B) general intermediate,
7 and (C) light intermediate or sheltered care.

8 (2) The number of residents in each of the 3 categories
9 set forth in paragraph (1) of this subsection (e) shall be
10 multiplied by the overall hours of coverage needed each day
11 for each category.

12 (3) The number of hours of care needed for the
13 residents in each of the 3 categories set forth in
14 paragraph (1) of this subsection (e) shall be added to
15 obtain the total hours of care needed by all residents in
16 the facility.

17 (4) The total hours needed each day shall be multiplied
18 by the percentages assigned to each shift to obtain the
19 total minimum hours of care that must be provided on a
20 shift.

21 (5) The total minimum hours of care needed on each
22 shift shall be multiplied by 20% to obtain the minimum
23 amount of registered nurse time that shall be provided
24 during a 24-hour period.

25 If, after demonstrated and document attempts, a nursing
26 facility located outside of a county having a population of

1 3,000,000 or more is not able to hire the sufficient number of
2 registered nurses to meet the requirements of this subsection
3 (e), then the nursing facility must inform the Department that
4 the nursing facility shall use licensed nurses to meet the
5 mandated nurse coverage until the nursing facility is able to
6 secure the registered nurse personnel.
7 (Source: P.A. 96-1372, eff. 7-29-10.)".