



Rep. Avery Bourne

**Filed: 3/9/2017**

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LRB100 06343 MJP 22552 a

1 AMENDMENT TO HOUSE BILL 481

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 481 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 3-206 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

1 Regulation, assist with the personal, medical, or nursing care  
2 of residents in a facility, unless such person meets the  
3 following requirements:

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

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

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

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

15 (5) Begin a current course of training for nursing  
16 assistants, habilitation aides, or child care aides,  
17 approved by the Department, within 45 days of initial  
18 employment in the capacity of a nursing assistant,  
19 habilitation aide, or child care aide at any facility. Such  
20 courses of training shall be successfully completed within  
21 120 days of initial employment in the capacity of nursing  
22 assistant, habilitation aide, or child care aide at a  
23 facility. Nursing assistants, habilitation aides, and  
24 child care aides who are enrolled in approved courses in  
25 community colleges or other educational institutions on a  
26 term, semester or trimester basis, shall be exempt from the

1 120 day completion time limit. The Department shall adopt  
2 rules for such courses of training. These rules shall  
3 include procedures for facilities to carry on an approved  
4 course of training within the facility. The Department  
5 shall allow an individual to satisfy the supervised  
6 clinical experience requirement for placement on the  
7 Health Care Worker Registry under 77 Ill. Adm. Code 300.663  
8 through supervised clinical experience at an assisted  
9 living establishment licensed under the Assisted Living  
10 and Shared Housing Act. The Department shall adopt rules  
11 requiring that the Health Care Worker Registry include  
12 information identifying where an individual on the Health  
13 Care Worker Registry received his or her clinical training.

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

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

23 At the time of each regularly scheduled licensure  
24 survey, or at the time of a complaint investigation, the  
25 Department may require any nursing assistant, habilitation  
26 aide, or child care aide to demonstrate, either through

1 written examination or action, or both, sufficient  
2 knowledge in all areas of required training. If such  
3 knowledge is inadequate the Department shall require the  
4 nursing assistant, habilitation aide, or child care aide to  
5 complete inservice training and review in the facility  
6 until the nursing assistant, habilitation aide, or child  
7 care aide demonstrates to the Department, either through  
8 written examination or action, or both, sufficient  
9 knowledge in all areas of required training.

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

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.".