



Sen. Wm. Sam McCann

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1 AMENDMENT TO SENATE BILL 987

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 987 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 3-202.05 as follows:

6 (210 ILCS 45/3-202.05)

7 Sec. 3-202.05. Staffing ratios effective July 1, 2010 and  
8 thereafter.

9 (a) For the purpose of computing staff to resident ratios,  
10 direct care staff shall include:

- 11 (1) registered nurses;
- 12 (2) licensed practical nurses;
- 13 (3) certified nurse assistants;
- 14 (4) psychiatric services rehabilitation aides;
- 15 (5) rehabilitation and therapy aides;
- 16 (6) psychiatric services rehabilitation coordinators;

1 (7) assistant directors of nursing;

2 (8) 50% of the Director of Nurses' time; and

3 (9) 30% of the Social Services Directors' time.

4 The Department shall, by rule, allow certain facilities  
5 subject to 77 Ill. Admin. Code 300.4000 and following (Subpart  
6 S) to utilize specialized clinical staff, as defined in rules,  
7 to count towards the staffing ratios.

8 Within 120 days of the effective date of this amendatory  
9 Act of the 97th General Assembly, the Department shall  
10 promulgate rules specific to the staffing requirements for  
11 facilities federally defined as Institutions for Mental  
12 Disease. These rules shall recognize the unique nature of  
13 individuals with chronic mental health conditions, shall  
14 include minimum requirements for specialized clinical staff,  
15 including clinical social workers, psychiatrists,  
16 psychologists, and direct care staff set forth in paragraphs  
17 (4) through (6) and any other specialized staff which may be  
18 utilized and deemed necessary to count toward staffing ratios.

19 Within 120 days of the effective date of this amendatory  
20 Act of the 97th General Assembly, the Department shall  
21 promulgate rules specific to the staffing requirements for  
22 facilities licensed under the Specialized Mental Health  
23 Rehabilitation Act of 2013. These rules shall recognize the  
24 unique nature of individuals with chronic mental health  
25 conditions, shall include minimum requirements for specialized  
26 clinical staff, including clinical social workers,

1 psychiatrists, psychologists, and direct care staff set forth  
2 in paragraphs (4) through (6) and any other specialized staff  
3 which may be utilized and deemed necessary to count toward  
4 staffing ratios.

5 (b) Beginning January 1, 2011, and thereafter, light  
6 intermediate care shall be staffed at the same staffing ratio  
7 as intermediate care.

8 (c) Facilities shall notify the Department within 60 days  
9 after the effective date of this amendatory Act of the 96th  
10 General Assembly, in a form and manner prescribed by the  
11 Department, of the staffing ratios in effect on the effective  
12 date of this amendatory Act of the 96th General Assembly for  
13 both intermediate and skilled care and the number of residents  
14 receiving each level of care.

15 (d) (1) Effective July 1, 2010, for each resident needing  
16 skilled care, a minimum staffing ratio of 2.5 hours of nursing  
17 and personal care each day must be provided; for each resident  
18 needing intermediate care, 1.7 hours of nursing and personal  
19 care each day must be provided.

20 (2) Effective January 1, 2011, the minimum staffing ratios  
21 shall be increased to 2.7 hours of nursing and personal care  
22 each day for a resident needing skilled care and 1.9 hours of  
23 nursing and personal care each day for a resident needing  
24 intermediate care.

25 (3) Effective January 1, 2012, the minimum staffing ratios  
26 shall be increased to 3.0 hours of nursing and personal care

1 each day for a resident needing skilled care and 2.1 hours of  
2 nursing and personal care each day for a resident needing  
3 intermediate care.

4 (4) Effective January 1, 2013, the minimum staffing ratios  
5 shall be increased to 3.4 hours of nursing and personal care  
6 each day for a resident needing skilled care and 2.3 hours of  
7 nursing and personal care each day for a resident needing  
8 intermediate care.

9 (5) Effective January 1, 2014, the minimum staffing ratios  
10 shall be increased to 3.8 hours of nursing and personal care  
11 each day for a resident needing skilled care and 2.5 hours of  
12 nursing and personal care each day for a resident needing  
13 intermediate care.

14 (e) Ninety days after the effective date of this amendatory  
15 Act of the 97th General Assembly, a minimum of 25% of nursing  
16 and personal care time shall be provided by licensed nurses,  
17 with at least 10% of nursing and personal care time provided by  
18 registered nurses. These minimum requirements shall remain in  
19 effect until an acuity based registered nurse requirement is  
20 promulgated by rule concurrent with the adoption of the  
21 Resource Utilization Group classification-based payment  
22 methodology, as provided in Section 5-5.2 of the Illinois  
23 Public Aid Code. Registered nurses and licensed practical  
24 nurses employed by a facility in excess of these requirements  
25 may be used to satisfy the remaining 75% of the nursing and  
26 personal care time requirements. Notwithstanding this

1 subsection, no staffing requirement in statute in effect on the  
2 effective date of this amendatory Act of the 97th General  
3 Assembly shall be reduced on account of this subsection.

4 (f) On and after the effective date of this amendatory Act  
5 of the 100th General Assembly, in addition to any other  
6 staffing requirements under this Section, a facility licensed  
7 under this Act shall comply with the following:

8 (1) The facility must have and implement a written plan  
9 that:

10 (A) ensures staffing sufficient to meet the  
11 minimum staffing requirements described in paragraphs  
12 (3) through (8) of this subsection;

13 (B) ensures staffing sufficient to meet the needs  
14 of each resident; and

15 (C) identifies procedures to obtain required staff  
16 when absences occur.

17 The facility must maintain a written, weekly staffing  
18 schedule showing the number and category of staff assigned  
19 to each shift and the person to be called in the event of  
20 an absence.

21 (2) The facility must have the number of on-duty  
22 nursing staff publicly posted 24 hours each day. The posted  
23 staffing forms must (A) be prominently displayed in a  
24 public area and readily accessible to residents and  
25 visitors; (B) be at least 8.5 x 14 inches and printed in a  
26 minimum font size of 16; and (C) include the facility's

1       name, current date, current resident census per shift, the  
2       total number and actual hours worked by registered nurses,  
3       licensed practical nurses, and nursing assistants directly  
4       responsible for resident services per shift, and the  
5       minimum staffing standard, nursing assistant to resident  
6       ratio, under paragraph (6) of this subsection.

7               The posted staffing information must be an accurate  
8               reflection of the actual staff working each shift.

9               Upon oral or written request, the facility must make  
10              direct care staffing data available to the public for  
11              review at a cost not to exceed the community standard. The  
12              facility must maintain the posted nurse staffing data for a  
13              minimum of 18 months.

14              (3) Resident service needs must be the primary  
15              consideration in determining the number and categories of  
16              nursing personnel needed. Nursing staff must be sufficient  
17              in quantity and quality to provide nursing services for  
18              each resident as needed, including restorative services  
19              that enable each resident to achieve and maintain the  
20              highest practicable degree of function, self-care, and  
21              independence, as determined by the resident's care plan.  
22              Sufficient staffing under this paragraph must be provided  
23              even though it exceeds other requirements specified by this  
24              subsection or specified in a waiver.

25              (4) Licensed nurse hours must include no less than one  
26              registered nurse hour per resident per week. When a

1       registered nurse serves as the administrator in the  
2       temporary absence of an administrator, the registered  
3       nurse's hours must not be used to meet minimum nursing  
4       hours. In facilities with 41 or more beds, the hours of a  
5       licensed nurse who serves as facility administrator must  
6       not be included in any licensed nurse coverage required by  
7       this subsection. The licensed nurse serving as a charge  
8       nurse must not be counted toward the minimum staffing  
9       requirements under paragraph (6) of this subsection.

10       (5) The facility must have a licensed charge nurse on  
11       each shift 24 hours per day.

12       A registered nurse must serve as the licensed charge  
13       nurse for no less than 8 consecutive hours between the  
14       start of day shift and the end of evening shift, 7 days a  
15       week.

16       The director of nursing services may serve as the  
17       charge nurse only when the facility has 60 or fewer  
18       residents.

19       The requirements of this paragraph (5) may be waived by  
20       the Department. The request for waiver must comply with the  
21       provisions of this Act and must be reviewed annually. The  
22       waiver shall be considered by the Department if the  
23       facility certifies that (i) the facility has been unable to  
24       recruit appropriate personnel despite diligent efforts,  
25       including offering wages at the community prevailing rate  
26       for nursing facilities; (ii) the waiver does not endanger

1 the health or safety of residents; and (iii) a registered  
2 nurse or physician is available and obligated to  
3 immediately respond to telephone calls from the facility.

4 (6) The facility must determine the specific time frame  
5 for beginning and ending each consecutive 8-hour shift  
6 using one of the following options:

7 (A) Option one shall include (i) a day shift from  
8 5:30 a.m. to 1:30 p.m., (ii) an evening shift from 1:30  
9 p.m. to 9:30 p.m., and (iii) a night shift from 9:30  
10 p.m. to 5:30 a.m.

11 (B) Option 2 shall include (i) a day shift from 6  
12 a.m. to 2 p.m., (ii) an evening shift from 2 p.m. to 10  
13 p.m., and (iii) a night shift from 10 p.m. to 6 a.m.

14 (C) Option 3 shall include (i) a day shift from  
15 6:30 a.m. to 2:30 p.m., (ii) an evening shift from 2:30  
16 p.m. to 10:30 p.m., and (iii) a night shift from 10:30  
17 p.m. to 6:30 a.m.

18 (D) Option 4 shall include (i) a day shift from 7  
19 a.m. to 3 p.m., (ii) an evening shift from 3 p.m. to 11  
20 p.m., and (iii) a night shift from 11 p.m. to 7 a.m.

21 Each resident must have assigned and be informed of the  
22 nursing assistant responsible for his or her care and  
23 services on each shift. The numbers listed in this  
24 subsection represent the minimum staffing requirement. The  
25 numbers do not represent sufficient nursing staff. The  
26 number of staff necessary to meet the needs of each



1 resident determines sufficient nursing staff. The number  
2 of residents per nursing assistant must not exceed the  
3 ratios under this paragraph.

4 On and after January 1, 2018, the number of residents  
5 per nursing assistant must not exceed the following ratios:  
6 for day shifts, there shall be at least one nursing  
7 assistant per 7 residents; for evening shifts, there shall  
8 be at least one nursing assistant per 9.5 residents; for  
9 night shifts, there shall be at least one nursing assistant  
10 per 17 residents.

11 Each facility must submit a quarterly staffing report  
12 to the Department using the Department's approved method  
13 and format. The report must provide an accurate daily  
14 account of resident census and nursing assistant staffing  
15 levels for each shift. The facility must submit the report  
16 to the Department no later than the end of the month  
17 immediately following the end of each calendar quarter. The  
18 report must specify the shifts in which the minimum  
19 staffing standards as set forth in this paragraph were not  
20 met. Upon the Department's request, the facility must  
21 provide documents to support the quarterly staffing  
22 report, including payroll records.

23 (7) This subsection does not prohibit nursing  
24 assistants from providing services to a resident to whom  
25 they are not assigned. The facility must ensure that  
26 nursing assistants only perform those tasks for which they

1 are competent and qualified to perform and that are  
2 permitted by the laws of this State. Nursing assistants  
3 with a restricted duty status may be counted toward meeting  
4 the minimum staffing ratio as set forth in paragraph (6) of  
5 this subsection if the nursing assistant is able to perform  
6 90% of the authorized duties and responsibilities, with or  
7 without accommodation, required of a certified nursing  
8 assistant.

9 The facility must ensure that a nursing assistant is  
10 not assigned more residents than the number for which the  
11 nursing assistant is able to meet the individual service  
12 needs. The facility must have a minimum of 2 nursing staff  
13 on duty within the facility at all times. Nursing staff  
14 must be present at all times in each detached building,  
15 distinct and segregated area including those separated by  
16 closed doors, and on each level or floor where residents  
17 are housed.

18 Nursing assistants do not include dining assistants.  
19 Nursing assistants serving as restorative aides must not be  
20 counted toward the minimum staffing requirement under  
21 paragraph (6) of this subsection.

22 (8) A facility must not employ any person as a nursing  
23 assistant for longer than 4 months from the date of hire  
24 without the person being certified as a certified nursing  
25 assistant. The facility must ensure no more than 25% of the  
26 nursing assistants assigned to residents per shift

1       pursuant to paragraph (6) of this subsection are  
2       uncertified nursing assistants.

3       (9) The facility must ensure that all nursing  
4       assistants administering non-injectable medications are  
5       certified as nursing assistants and licensed as medication  
6       aides. Documentation of this certification and license  
7       must be maintained in the facility. The licensed medication  
8       aide assigned to administer medications must not be counted  
9       toward meeting the minimum staffing requirements for  
10       direct service of residents under paragraph (6) of this  
11       subsection.

12       (Source: P.A. 97-689, eff. 6-14-12; 98-104, eff. 7-22-13.)

13       Section 99. Effective date. This Act takes effect July 1,  
14       2017."