



Rep. Bob Morgan

**Filed: 3/18/2025**

10400HB2922ham001

LRB104 10340 BAB 23980 a

1 AMENDMENT TO HOUSE BILL 2922

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2922 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Nursing Home Care Act is amended by  
5 changing Sections 3-202.05 and 3-209 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; ~~and~~  
4 (10) infection preventionists;  
5 (11) minimum data set assessment nurses;  
6 (12) other social workers;  
7 (13) certified nursing assistant interns; and  
8 (14) medication aides.

9 The Department shall, by rule, allow certain facilities  
10 subject to 77 Ill. Adm. Code 300.4000 and following (Subpart  
11 S) to utilize specialized clinical staff, as defined in rules,  
12 to count towards the staffing ratios.

13 Within 120 days of June 14, 2012 (the effective date of  
14 Public Act 97-689), the Department shall promulgate rules  
15 specific to the staffing requirements for facilities federally  
16 defined as Institutions for Mental Disease. These rules shall  
17 recognize the unique nature of individuals with chronic mental  
18 health conditions, shall include minimum requirements for  
19 specialized clinical staff, including clinical social workers,  
20 psychiatrists, psychologists, and direct care staff set forth  
21 in paragraphs (4) through (6) and any other specialized staff  
22 which may be utilized and deemed necessary to count toward  
23 staffing ratios.

24 Within 120 days of June 14, 2012 (the effective date of  
25 Public Act 97-689), the Department shall promulgate rules  
26 specific to the staffing requirements for facilities licensed

1 under the Specialized Mental Health Rehabilitation Act of  
2 2013. These rules shall recognize the unique nature of  
3 individuals with chronic mental health conditions, shall  
4 include minimum requirements for specialized clinical staff,  
5 including clinical social workers, psychiatrists,  
6 psychologists, and direct care staff set forth in paragraphs  
7 (4) through (6) and any other specialized staff which may be  
8 utilized and deemed necessary to count toward staffing ratios.

9 (b) (Blank).

10 (b-3) The payroll-based journal job title codes from the  
11 Centers for Medicare and Medicaid Services that correspond to  
12 the staff used for the staffing ratios in subsection (a) are as  
13 follows:

14 (1) Registered Nurse Director of Nursing job title  
15 code 5;

16 (2) Registered Nurse with Administrative Duties job  
17 title code 6;

18 (3) Registered Nurse job title code 7;

19 (4) Licensed Practical/Vocational Nurse with  
20 Administrative Duties job title code 8;

21 (5) Licensed Practical/Vocational Nurse job title code  
22 9;

23 (6) Certified Nurse Aide job title code 10;

24 (7) Nurse Aide in Training job title code 11;

25 (8) Medication Aide/Technician job title code 12;

26 (9) Nurse Practitioner job title code 13;

- 1           (10) Clinical Nurse Specialist job title code 14;  
2           (11) Occupational Therapist job title code 18;  
3           (12) Occupational Therapy Assistant job title code 19;  
4           (13) Occupational Therapy Aide job title code 20;  
5           (14) Physical Therapist job title code 21;  
6           (15) Physical Therapy Assistant job title code 22;  
7           (16) Physical Therapy Aide job title code 23;  
8           (17) Respiratory Therapist job title code 24;  
9           (18) Respiratory Therapy Technician job title code 25;  
10          (19) Speech/Language Pathologist job title code 26;  
11          (20) Qualified Activities Professional job title code  
12          28;  
13          (21) Other Activities Staff job title code 29;  
14          (22) Qualified Social Worker job title code 30;  
15          (23) Other Social Worker job title code 31; and  
16          (24) Mental Health Service Worker job title code 34.

17          For all job title codes in this subsection, 100% of the  
18          hours worked by the staff must be counted toward the staff to  
19          resident ratio, except job code title 5, which is limited to  
20          50%, and job title codes 28 and 30, which are limited to 30%.

21          (b-5) For purposes of the minimum staffing ratios in this  
22          Section, all residents shall be classified as requiring either  
23          skilled care or intermediate care.

24          As used in this subsection:

25          "Intermediate care" means basic nursing care and other  
26          restorative services under periodic medical direction.

1 "Skilled care" means skilled nursing care, continuous  
2 skilled nursing observations, restorative nursing, and other  
3 services under professional direction with frequent medical  
4 supervision.

5 (c) Facilities shall notify the Department within 60 days  
6 after July 29, 2010 (the effective date of Public Act  
7 96-1372), in a form and manner prescribed by the Department,  
8 of the staffing ratios in effect on July 29, 2010 (the  
9 effective date of Public Act 96-1372) for both intermediate  
10 and skilled care and the number of residents receiving each  
11 level of care.

12 (d) (1) (Blank).

13 (2) (Blank).

14 (3) (Blank).

15 (4) (Blank).

16 (5) Effective January 1, 2014, the minimum staffing ratios  
17 shall be increased to 3.8 hours of nursing and personal care  
18 each day for a resident needing skilled care and 2.5 hours of  
19 nursing and personal care each day for a resident needing  
20 intermediate care.

21 (e) Ninety days after June 14, 2012 (the effective date of  
22 Public Act 97-689), a minimum of 25% of nursing and personal  
23 care time shall be provided by licensed nurses, with at least  
24 10% of nursing and personal care time provided by registered  
25 nurses. These minimum requirements shall remain in effect  
26 until an acuity based registered nurse requirement is

1 promulgated by rule concurrent with the adoption of the  
2 Resource Utilization Group classification-based payment  
3 methodology, as provided in Section 5-5.2 of the Illinois  
4 Public Aid Code. Registered nurses and licensed practical  
5 nurses employed by a facility in excess of these requirements  
6 may be used to satisfy the remaining 75% of the nursing and  
7 personal care time requirements. Notwithstanding this  
8 subsection, no staffing requirement in statute in effect on  
9 June 14, 2012 (the effective date of Public Act 97-689) shall  
10 be reduced on account of this subsection.

11 (f) The Department shall submit proposed rules for  
12 adoption by January 1, 2020 establishing a system for  
13 determining compliance with minimum staffing set forth in this  
14 Section and the requirements of 77 Ill. Adm. Code 300.1230  
15 adjusted for any waivers granted under Section 3-303.1.  
16 Compliance shall be determined quarterly by comparing the  
17 number of hours provided per resident per day using the  
18 Centers for Medicare and Medicaid Services' payroll-based  
19 journal and the facility's daily census, broken down by  
20 intermediate and skilled care as self-reported by the facility  
21 to the Department on a quarterly basis. The Department shall  
22 use the quarterly payroll-based journal and the self-reported  
23 census to calculate the number of hours provided per resident  
24 per day and compare this ratio to the minimum staffing  
25 standards required under this Section, as impacted by any  
26 waivers granted under Section 3-303.1. Discrepancies between

1 job titles contained in this Section and the payroll-based  
2 journal shall be addressed by rule. The manner in which the  
3 Department requests payroll-based journal information to be  
4 submitted shall align with the federal Centers for Medicare  
5 and Medicaid Services' requirements that allow providers to  
6 submit the quarterly data in an aggregate manner.

7 (g) Monetary penalties for non-compliance. The Department  
8 shall submit proposed rules for adoption by January 1, 2020  
9 establishing monetary penalties for facilities not in  
10 compliance with minimum staffing standards under this Section.  
11 Facilities shall be required to comply with the provisions of  
12 this subsection beginning January 1, 2025. No monetary penalty  
13 may be issued for noncompliance prior to the revised  
14 implementation date, which shall be January 1, 2025. If a  
15 facility is found to be noncompliant prior to the revised  
16 implementation date, the Department shall provide a written  
17 notice identifying the staffing deficiencies and require the  
18 facility to provide a sufficiently detailed correction plan  
19 that describes proposed and completed actions the facility  
20 will take or has taken, including hiring actions, to address  
21 the facility's failure to meet the statutory minimum staffing  
22 levels. Monetary penalties shall be imposed beginning no later  
23 than July 1, 2025, based on data for the quarter beginning  
24 January 1, 2025 through March 31, 2025 and quarterly  
25 thereafter. Monetary penalties shall be established based on a  
26 formula that calculates on a quarterly ~~daily~~ basis the cost of

1 wages and benefits for the missing staffing hours. All notices  
2 of noncompliance shall include the computations used to  
3 determine noncompliance and establishing the variance between  
4 minimum staffing ratios and the Department's computations. The  
5 penalty for the first offense shall be 125% of the cost of  
6 wages and benefits for the missing staffing hours. The penalty  
7 shall increase to 150% of the cost of wages and benefits for  
8 the missing staffing hours for the second offense and 200% the  
9 cost of wages and benefits for the missing staffing hours for  
10 the third and all subsequent offenses. The penalty shall be  
11 imposed regardless of whether the facility has committed other  
12 violations of this Act during the same period that the  
13 staffing offense occurred. The penalty may not be waived,  
14 ~~except but the Department shall have the discretion to~~  
15 ~~determine the gravity of the violation in situations~~ where  
16 there is no more than a 10% deviation from the staffing  
17 requirements, in which case the facility shall not receive a  
18 violation or penalty ~~and make appropriate adjustments to the~~  
19 ~~penalty~~. The Department shall ~~is granted discretion to~~ waive  
20 the violation and penalty when unforeseen circumstances have  
21 occurred that resulted in call-offs of scheduled staff. This  
22 provision shall be applied no more than 6 times per quarter.  
23 Nothing in this Section diminishes a facility's right to  
24 appeal the imposition of a monetary penalty. No facility may  
25 appeal a notice of noncompliance issued during the revised  
26 implementation period.



1 (Source: P.A. 101-10, eff. 6-5-19; 102-16, eff. 6-17-21;  
2 102-1118, eff. 1-18-23.)

3 (210 ILCS 45/3-209) (from Ch. 111 1/2, par. 4153-209)

4 Sec. 3-209. Required posting of information.

5 (a) Every facility shall conspicuously post for display in  
6 an area of its offices accessible to residents, employees, and  
7 visitors the following:

8 (1) Its current license;

9 (2) A description, provided by the Department, of  
10 complaint procedures established under this Act and the  
11 name, address, and telephone number of a person authorized  
12 by the Department to receive complaints;

13 (3) A copy of any order pertaining to the facility  
14 issued by the Department or a court;

15 (4) A list of the material available for public  
16 inspection under Section 3-210;

17 (5) Phone numbers and websites for rights protection  
18 services must be posted in common areas and at the main  
19 entrance and provided upon entry and at the request of  
20 residents or the resident's representative in accordance  
21 with 42 CFR 483.10(j)(4); and

22 (6) The statement "The Illinois Long-Term Care  
23 Ombudsman Program is a free resident advocacy service  
24 available to the public."

25 In accordance with F574 of the State Operations Manual for

1 Long-Term Care Facilities, the administrator shall post for  
2 all residents and at the main entrance the name, address, and  
3 telephone number of the appropriate State governmental office  
4 where complaints may be lodged in language the resident can  
5 understand, which must include notice of the grievance  
6 procedure of the facility or program as well as addresses and  
7 phone numbers for the Office of Health Care Regulation and the  
8 Long-Term Care Ombudsman Program and a website showing the  
9 information of a facility's ownership. The facility shall  
10 include a link to the Long-Term Care Ombudsman Program's  
11 website on the home page of the facility's website.

12 (b) A facility that has received a notice of violation for  
13 a violation of the minimum staffing requirements under Section  
14 3-202.05 shall display, during the calendar quarter in which  
15 the facility is notified of the violation ~~period of time the~~  
16 ~~facility is out of compliance~~, a notice stating in Calibri  
17 (body) font and 26-point type in black letters on an 8.5 by 11  
18 inch white paper the following:

19 "Notice Dated: .....

20 This facility did ~~does~~ not ~~currently~~ meet the minimum staffing  
21 ratios required by law for [insert applicable quarter]. Posted  
22 at the direction of the Illinois Department of Public  
23 Health."

24 The notice must be posted, at a minimum, at all publicly used

1 exterior entryways into the facility, inside the main entrance  
2 lobby, and next to any registration desk for easily accessible  
3 viewing. The notice must also be posted on the main page of the  
4 facility's website. The Department shall have the discretion  
5 to determine the gravity of any violation and, taking into  
6 account mitigating and aggravating circumstances and facts,  
7 may reduce the requirement of, and amount of time for, posting  
8 the notice. A facility is not required to post for the  
9 violation if it is within the 10% deviation, as provided in  
10 Section 3-202.05 of this Act.

11 (Source: P.A. 101-10, eff. 6-5-19; 102-1080, eff. 1-1-23.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law."