

HB3171



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3171

Introduced 2/18/2025, by Rep. Yolonda Morris

SYNOPSIS AS INTRODUCED:

210 ILCS 45/3-202.05

210 ILCS 45/3-209

from Ch. 111 1/2, par. 4153-209

Amends the Nursing Home Care Act. In provisions concerning monetary penalties for noncompliance with minimum staffing standards, provides that monetary penalties shall be established based on a formula that calculates on a quarterly basis (instead of a daily basis). Provides that the monetary penalty may not be waived, except where there is no more than a 10% deviation from the staffing requirements, in which case the facility shall not receive a penalty. Makes changes regarding the notice that a facility that has received a notice of violation for a violation of the minimum staffing requirements shall display. Effective immediately.

LRB104 08075 BAB 18121 b

A BILL FOR

1 AN ACT concerning regulation.

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 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;
- 17 (7) assistant directors of nursing;
- 18 (8) 50% of the Director of Nurses' time; and
- 19 (9) 30% of the Social Services Directors' time.

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

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

12 Within 120 days of June 14, 2012 (the effective date of
13 Public Act 97-689), the Department shall promulgate rules
14 specific to the staffing requirements for facilities licensed
15 under the Specialized Mental Health Rehabilitation Act of
16 2013. These rules shall recognize the unique nature of
17 individuals with chronic mental health conditions, shall
18 include minimum requirements for specialized clinical staff,
19 including clinical social workers, psychiatrists,
20 psychologists, and direct care staff set forth in paragraphs
21 (4) through (6) and any other specialized staff which may be
22 utilized and deemed necessary to count toward staffing ratios.

23 (b) (Blank).

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

1 As used in this subsection:

2 "Intermediate care" means basic nursing care and other
3 restorative services under periodic medical direction.

4 "Skilled care" means skilled nursing care, continuous
5 skilled nursing observations, restorative nursing, and other
6 services under professional direction with frequent medical
7 supervision.

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

15 (d) (1) (Blank).

16 (2) (Blank).

17 (3) (Blank).

18 (4) (Blank).

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

24 (e) Ninety days after June 14, 2012 (the effective date of
25 Public Act 97-689), a minimum of 25% of nursing and personal
26 care time shall be provided by licensed nurses, with at least

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

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

1 per day and compare this ratio to the minimum staffing
2 standards required under this Section, as impacted by any
3 waivers granted under Section 3-303.1. Discrepancies between
4 job titles contained in this Section and the payroll-based
5 journal shall be addressed by rule. The manner in which the
6 Department requests payroll-based journal information to be
7 submitted shall align with the federal Centers for Medicare
8 and Medicaid Services' requirements that allow providers to
9 submit the quarterly data in an aggregate manner.

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

1 January 1, 2025 through March 31, 2025 and quarterly
2 thereafter. Monetary penalties shall be established based on a
3 formula that calculates on a quarterly daily basis the cost of
4 wages and benefits for the missing staffing hours. All notices
5 of noncompliance shall include the computations used to
6 determine noncompliance and establishing the variance between
7 minimum staffing ratios and the Department's computations. The
8 penalty for the first offense shall be 125% of the cost of
9 wages and benefits for the missing staffing hours. The penalty
10 shall increase to 150% of the cost of wages and benefits for
11 the missing staffing hours for the second offense and 200% the
12 cost of wages and benefits for the missing staffing hours for
13 the third and all subsequent offenses. The penalty shall be
14 imposed regardless of whether the facility has committed other
15 violations of this Act during the same period that the
16 staffing offense occurred. The penalty may not be waived,
17 except but the Department shall have the discretion to
18 determine the gravity of the violation in situations where
19 there is no more than a 10% deviation from the staffing
20 requirements, in which case the facility shall not receive a
21 penalty and make appropriate adjustments to the penalty. The
22 Department shall is granted discretion to waive the penalty
23 when unforeseen circumstances have occurred that resulted in
24 call-offs of scheduled staff. This provision shall be applied
25 no more than 6 times per quarter. Nothing in this Section
26 diminishes a facility's right to appeal the imposition of a

1 monetary penalty. No facility may appeal a notice of
2 noncompliance issued during the revised implementation period.
3 (Source: P.A. 101-10, eff. 6-5-19; 102-16, eff. 6-17-21;
4 102-1118, eff. 1-18-23.)

5 (210 ILCS 45/3-209) (from Ch. 111 1/2, par. 4153-209)

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

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

10 (1) Its current license;

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

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

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

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

24 (6) The statement "The Illinois Long-Term Care
25 Ombudsman Program is a free resident advocacy service

1 available to the public.".

2 In accordance with F574 of the State Operations Manual for
3 Long-Term Care Facilities, the administrator shall post for
4 all residents and at the main entrance the name, address, and
5 telephone number of the appropriate State governmental office
6 where complaints may be lodged in language the resident can
7 understand, which must include notice of the grievance
8 procedure of the facility or program as well as addresses and
9 phone numbers for the Office of Health Care Regulation and the
10 Long-Term Care Ombudsman Program and a website showing the
11 information of a facility's ownership. The facility shall
12 include a link to the Long-Term Care Ombudsman Program's
13 website on the home page of the facility's website.

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

21 "Notice Dated:

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

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

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

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