

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 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, 2022 ~~2011~~, the Department
9 shall file with the Secretary of State's Office ~~Joint~~
10 ~~Committee on Administrative Rules~~, pursuant to the Illinois
11 Administrative Procedure Act, proposed rules or proposed
12 amendments to existing rules to certify nursing homes or
13 distinct self-contained units within existing nursing homes
14 for the behavioral management of persons with a high risk of
15 aggression. The purpose of the certification program is to
16 ensure that the safety of residents, employees, and the public
17 is preserved. No more than 3 facilities shall be certified in
18 the first 3 years after the effective date of this amendatory
19 Act of the 102nd General Assembly. Prior to the expansion of
20 the number of certified facilities, the Department shall
21 collaborate with stakeholders, including, but not limited to,
22 organizations whose membership consists of congregate
23 long-term care facilities, to evaluate the efficacy of the

1 certification program.

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

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

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

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

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

- 1 (5) Supervision and monitoring.
- 2 (6) Staffing levels.
- 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
26 job 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
9 care facility.

10 (11) A definition of a "person with high risk of
11 aggression". The definition shall not include any person
12 with a serious mental illness who is eligible to receive
13 services under the Specialized Mental Health
14 Rehabilitation Act of 2013.

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

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

1 (d) The Department shall establish a certification fee
2 schedule by rule, in consultation with advocates, nursing
3 homes, and representatives of associations representing long
4 term care facilities.

5 (Source: P.A. 96-1372, eff. 7-29-10.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.