



Rep. Keith Farnham

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LRB097 09230 CEL 67392 a

1 AMENDMENT TO HOUSE BILL 1535

2 AMENDMENT NO. _____. Amend House Bill 1535 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 and by adding Sections 2-207.1 and
6 3-206.06 as follows:

7 (210 ILCS 45/2-207.1 new)

8 Sec. 2-207.1. Employee information. Upon the request of a
9 resident representative, a facility shall provide the names and
10 job titles of all employees that had access to a resident, the
11 resident's room, and the resident's financial records in the 30
12 days preceding an alleged incident that resulted in the filing
13 of a complaint with the Department of Public Health. The
14 facility shall prepare the list and provide it electronically
15 to the requesting resident representative within 30 days after
16 the filing of the complaint.

1 (210 ILCS 45/3-206) (from Ch. 111 1/2, par. 4153-206)

2 Sec. 3-206. The Department shall prescribe a curriculum for
3 training nursing assistants, habilitation aides, and child
4 care aides.

5 (a) No person, except a volunteer who receives no
6 compensation from a facility and is not included for the
7 purpose of meeting any staffing requirements set forth by the
8 Department, shall act as a nursing assistant, habilitation
9 aide, or child care aide in a facility, nor shall any person,
10 under any other title, not licensed, certified, or registered
11 to render medical care by the Department of Professional
12 Regulation, assist with the personal, medical, or nursing care
13 of residents in a facility, unless such person meets the
14 following requirements:

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

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

21 (3) Provide evidence of employment or occupation, if
22 any, and residence for 2 years prior to his present
23 employment.

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

1 (5) Begin a current course of training for nursing
2 assistants, habilitation aides, or child care aides,
3 approved by the Department, within 45 days of initial
4 employment in the capacity of a nursing assistant,
5 habilitation aide, or child care aide at any facility. Such
6 courses of training shall be successfully completed within
7 120 days of initial employment in the capacity of nursing
8 assistant, habilitation aide, or child care aide at a
9 facility. Nursing assistants, habilitation aides, and
10 child care aides who are enrolled in approved courses in
11 community colleges or other educational institutions on a
12 term, semester or trimester basis, shall be exempt from the
13 120 day completion time limit. The Department shall adopt
14 rules for such courses of training. These rules shall
15 include procedures for facilities to carry on an approved
16 course of training ~~within the facility~~.

17 The Department may accept comparable training in lieu
18 of the 120 hour course for student nurses, foreign nurses,
19 military personnel, or employees ~~employes~~ of the
20 Department of Human Services.

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

26 At the time of each regularly scheduled licensure

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

13 (6) Be familiar with and have general skills related to
14 resident care.

15 (7) Participate in training each year that assists
16 nursing assistants and habilitation aides in coping with
17 individuals of advanced years who have hearing, memory,
18 physical, and cognitive impairments. Training shall use a
19 curriculum approved by the Department.

20 (a-0.5) An educational entity, other than a secondary
21 school, conducting a nursing assistant, habilitation aide, or
22 child care aide training program shall initiate a criminal
23 history record check in accordance with the Health Care Worker
24 Background Check Act prior to entry of an individual into the
25 training program. A secondary school may initiate a criminal
26 history record check in accordance with the Health Care Worker

1 Background Check Act at any time during or after a training
2 program.

3 (a-1) Nursing assistants, habilitation aides, or child
4 care aides seeking to be included on the registry maintained
5 under Section 3-206.01 on or after January 1, 1996 must
6 authorize the Department of Public Health or its designee to
7 request a criminal history record check in accordance with the
8 Health Care Worker Background Check Act and submit all
9 necessary information. An individual may not newly be included
10 on the registry unless a criminal history record check has been
11 conducted with respect to the individual.

12 (b) Persons subject to this Section shall perform their
13 duties under the supervision of a licensed nurse.

14 (c) It is unlawful for any facility to employ any person in
15 the capacity of nursing assistant, habilitation aide, or child
16 care aide, or under any other title, not licensed by the State
17 of Illinois to assist in the personal, medical, or nursing care
18 of residents in such facility unless such person has complied
19 with this Section.

20 (d) Proof of compliance by each employee with the
21 requirements set out in this Section shall be maintained for
22 each such employee by each facility in the individual personnel
23 folder of the employee. Proof of training shall be obtained
24 only from the health care worker registry.

25 (e) Each facility shall obtain access to the health care
26 worker registry's web application, maintain the employment and

1 demographic information relating to each employee, and verify
2 by the category and type of employment that each employee
3 subject to this Section meets all the requirements of this
4 Section.

5 (f) Any facility that is operated under Section 3-803 shall
6 be exempt from the requirements of this Section.

7 (g) Each skilled nursing and intermediate care facility
8 that admits persons who are diagnosed as having Alzheimer's
9 disease or related dementias shall require all nursing
10 assistants, habilitation aides, or child care aides, who did
11 not receive 12 hours of training in the care and treatment of
12 such residents during the training required under paragraph (5)
13 of subsection (a), to obtain 12 hours of in-house training in
14 the care and treatment of such residents. If the facility does
15 not provide the training in-house, the training shall be
16 obtained from other facilities, community colleges or other
17 educational institutions that have a recognized course for such
18 training. The Department shall, by rule, establish a recognized
19 course for such training. The Department's rules shall provide
20 that such training may be conducted in-house at each facility
21 subject to the requirements of this subsection, in which case
22 such training shall be monitored by the Department.

23 The Department's rules shall also provide for
24 circumstances and procedures whereby any person who has
25 received training that meets the requirements of this
26 subsection shall not be required to undergo additional training

1 if he or she is transferred to or obtains employment at a
2 different facility or a facility other than a long-term care
3 facility but remains continuously employed for pay as a nursing
4 assistant, habilitation aide, or child care aide. Individuals
5 who have performed no nursing or nursing-related services for a
6 period of 24 consecutive months shall be listed as "inactive"
7 and as such do not meet the requirements of this Section.
8 Licensed sheltered care facilities shall be exempt from the
9 requirements of this Section.

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

11 (210 ILCS 45/3-206.06 new)

12 Sec. 3-206.06. Publication of employee criminal history.
13 Every licensed facility shall publish on the World Wide Web and
14 make copies available at the facility a list of the names of
15 all its employees and shall indicate on the list adjacent to
16 each name whether an employee has a criminal record. If an
17 employee has a criminal record, then the publication required
18 under this Section shall include the criminal background check
19 results required under subsection (c-1) of Section 3-206.02 of
20 this Act.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."