

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 changing
5 Section 3-206 as follows:

6 (210 ILCS 45/3-206) (from Ch. 111 1/2, par. 4153-206)

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

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

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

23 (2) Be able to speak and understand the English

1 language or a language understood by a substantial
2 percentage of the facility's residents.

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

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

8 (5) Begin a current course of training for nursing
9 assistants, habilitation aides, or child care aides,
10 approved by the Department, within 45 days of initial
11 employment in the capacity of a nursing assistant,
12 habilitation aide, or child care aide at any facility. Such
13 courses of training shall be successfully completed within
14 120 days of initial employment in the capacity of nursing
15 assistant, habilitation aide, or child care aide at a
16 facility. Nursing assistants, habilitation aides, and
17 child care aides who are enrolled in approved courses in
18 community colleges or other educational institutions on a
19 term, semester or trimester basis, shall be exempt from the
20 120 day completion time limit. The Department shall adopt
21 rules for such courses of training. These rules shall
22 include procedures for facilities to carry on an approved
23 course of training within the facility. The Department
24 shall allow an individual to satisfy the supervised
25 clinical experience requirement for placement on the
26 Health Care Worker Registry under 77 Ill. Adm. Code 300.663

1 through supervised clinical experience at an assisted
2 living establishment licensed under the Assisted Living
3 and Shared Housing Act. The Department shall adopt rules
4 requiring that the Health Care Worker Registry include
5 information identifying where an individual on the Health
6 Care Worker Registry received his or her clinical training.

7 The Department may accept comparable training in lieu
8 of the 120 hour course for student nurses, foreign nurses,
9 military personnel, or employes of the Department of Human
10 Services.

11 The facility shall develop and implement procedures,
12 which shall be approved by the Department, for an ongoing
13 review process, which shall take place within the facility,
14 for nursing assistants, habilitation aides, and child care
15 aides.

16 At the time of each regularly scheduled licensure
17 survey, or at the time of a complaint investigation, the
18 Department may require any nursing assistant, habilitation
19 aide, or child care aide to demonstrate, either through
20 written examination or action, or both, sufficient
21 knowledge in all areas of required training. If such
22 knowledge is inadequate the Department shall require the
23 nursing assistant, habilitation aide, or child care aide to
24 complete inservice training and review in the facility
25 until the nursing assistant, habilitation aide, or child
26 care aide demonstrates to the Department, either through

1 written examination or action, or both, sufficient
2 knowledge in all areas of required training.

3 (6) Be familiar with and have general skills related to
4 resident care.

5 (a-0.5) An educational entity, other than a secondary
6 school, conducting a nursing assistant, habilitation aide, or
7 child care aide training program shall initiate a criminal
8 history record check in accordance with the Health Care Worker
9 Background Check Act prior to entry of an individual into the
10 training program. A secondary school may initiate a criminal
11 history record check in accordance with the Health Care Worker
12 Background Check Act at any time during or after a training
13 program.

14 (a-1) Nursing assistants, habilitation aides, or child
15 care aides seeking to be included on the registry maintained
16 under Section 3-206.01 on or after January 1, 1996 must
17 authorize the Department of Public Health or its designee to
18 request a criminal history record check in accordance with the
19 Health Care Worker Background Check Act and submit all
20 necessary information. An individual may not newly be included
21 on the registry unless a criminal history record check has been
22 conducted with respect to the individual.

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

25 (c) It is unlawful for any facility to employ any person in
26 the capacity of nursing assistant, habilitation aide, or child

1 care aide, or under any other title, not licensed by the State
2 of Illinois to assist in the personal, medical, or nursing care
3 of residents in such facility unless such person has complied
4 with this Section.

5 (d) Proof of compliance by each employee with the
6 requirements set out in this Section shall be maintained for
7 each such employee by each facility in the individual personnel
8 folder of the employee. Proof of training shall be obtained
9 only from the health care worker registry.

10 (e) Each facility shall obtain access to the health care
11 worker registry's web application, maintain the employment and
12 demographic information relating to each employee, and verify
13 by the category and type of employment that each employee
14 subject to this Section meets all the requirements of this
15 Section.

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

18 (g) Each skilled nursing and intermediate care facility
19 that admits persons who are diagnosed as having Alzheimer's
20 disease or related dementias shall require all nursing
21 assistants, habilitation aides, or child care aides, who did
22 not receive 12 hours of training in the care and treatment of
23 such residents during the training required under paragraph (5)
24 of subsection (a), to obtain 12 hours of in-house training in
25 the care and treatment of such residents. If the facility does
26 not provide the training in-house, the training shall be

1 obtained from other facilities, community colleges or other
2 educational institutions that have a recognized course for such
3 training. The Department shall, by rule, establish a recognized
4 course for such training. The Department's rules shall provide
5 that such training may be conducted in-house at each facility
6 subject to the requirements of this subsection, in which case
7 such training shall be monitored by the Department.

8 The Department's rules shall also provide for
9 circumstances and procedures whereby any person who has
10 received training that meets the requirements of this
11 subsection shall not be required to undergo additional training
12 if he or she is transferred to or obtains employment at a
13 different facility or a facility other than a long-term care
14 facility but remains continuously employed for pay as a nursing
15 assistant, habilitation aide, or child care aide. Individuals
16 who have performed no nursing or nursing-related services for a
17 period of 24 consecutive months shall be listed as "inactive"
18 and as such do not meet the requirements of this Section.
19 Licensed sheltered care facilities shall be exempt from the
20 requirements of this Section.

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

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