



Rep. Keith Farnham

Filed: 4/5/2011

09700HB1534ham001

LRB097 06279 RPM 53804 a

1 AMENDMENT TO HOUSE BILL 1534

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1534 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 Section 2-207.1 as  
6 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 Section 99. Effective date. This Act takes effect upon  
12 becoming law."