



Rep. Sue Scherer

Filed: 4/9/2019

10100HB0425ham001

LRB101 03354 AMC 59508 a

1 AMENDMENT TO HOUSE BILL 425

2 AMENDMENT NO. _____. Amend House Bill 425 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 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 Financial and

1 Professional Regulation, assist with the personal, medical, or
2 nursing care of residents in a facility, unless such person
3 meets the following requirements:

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

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

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

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

15 (5) Begin a current course of training for nursing
16 assistants, habilitation aides, or child care aides,
17 approved by the Department, within 45 days of initial
18 employment in the capacity of a nursing assistant,
19 habilitation aide, or child care aide at any facility. Such
20 courses of training shall be successfully completed within
21 120 days of initial employment in the capacity of nursing
22 assistant, habilitation aide, or child care aide at a
23 facility. Nursing assistants, habilitation aides, and
24 child care aides who are enrolled in approved courses in
25 community colleges or other educational institutions on a
26 term, semester or trimester basis, shall be exempt from the

1 120-day completion time limit. The Department shall adopt
2 rules for such courses of training. These rules shall
3 include procedures for facilities to carry on an approved
4 course of training within the facility. The rules shall
5 allow a registered nurse with a bachelor's degree and at
6 least 5 years' experience as a registered nurse to teach
7 seminars and training classes for nursing assistants. The
8 Department shall allow an individual to satisfy the
9 supervised clinical experience requirement for placement
10 on the Health Care Worker Registry under 77 Ill. Adm. Code
11 300.663 through supervised clinical experience at an
12 assisted living establishment licensed under the Assisted
13 Living and Shared Housing Act. The Department shall adopt
14 rules requiring that the Health Care Worker Registry
15 include information identifying where an individual on the
16 Health Care Worker Registry received his or her clinical
17 training.

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

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

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

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

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

25 (a-1) Nursing assistants, habilitation aides, or child
26 care aides seeking to be included on the Health Care Worker

1 Registry under the Health Care Worker Background Check Act on
2 or after January 1, 1996 must authorize the Department of
3 Public Health or its designee to request a criminal history
4 record check in accordance with the Health Care Worker
5 Background Check Act and submit all necessary information. An
6 individual may not newly be included on the Health Care Worker
7 Registry unless a criminal history record check has been
8 conducted with respect to the individual.

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

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

17 (d) Proof of compliance by each employee with the
18 requirements set out in this Section shall be maintained for
19 each such employee by each facility in the individual personnel
20 folder of the employee. Proof of training shall be obtained
21 only from the Health Care Worker Registry.

22 (e) Each facility shall obtain access to the Health Care
23 Worker Registry's web application, maintain the employment and
24 demographic information relating to each employee, and verify
25 by the category and type of employment that each employee
26 subject to this Section meets all the requirements of this

1 Section.

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

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

20 The Department's rules shall also provide for
21 circumstances and procedures whereby any person who has
22 received training that meets the requirements of this
23 subsection shall not be required to undergo additional training
24 if he or she is transferred to or obtains employment at a
25 different facility or a facility other than a long-term care
26 facility but remains continuously employed for pay as a nursing

1 assistant, habilitation aide, or child care aide. Individuals
2 who have performed no nursing or nursing-related services for a
3 period of 24 consecutive months shall be listed as "inactive"
4 and as such do not meet the requirements of this Section.
5 Licensed sheltered care facilities shall be exempt from the
6 requirements of this Section.

7 (Source: P.A. 100-297, eff. 8-24-17; 100-432, eff. 8-25-17;
8 100-863, eff. 8-14-18.)

9 Section 10. The MC/DD Act is amended by changing Section
10 3-206 as follows:

11 (210 ILCS 46/3-206)

12 Sec. 3-206. Curriculum for training nursing assistants and
13 aides. The Department shall prescribe a curriculum for training
14 nursing assistants, habilitation aides, and child care aides.

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

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

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

7 (3) Provide evidence of employment or occupation, if
8 any, and residence for 2 years prior to his or her present
9 employment.

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

12 (5) Begin a current course of training for nursing
13 assistants, habilitation aides, or child care aides,
14 approved by the Department, within 45 days of initial
15 employment in the capacity of a nursing assistant,
16 habilitation aide, or child care aide at any facility. Such
17 courses of training shall be successfully completed within
18 120 days of initial employment in the capacity of nursing
19 assistant, habilitation aide, or child care aide at a
20 facility. Nursing assistants, habilitation aides, and
21 child care aides who are enrolled in approved courses in
22 community colleges or other educational institutions on a
23 term, semester or trimester basis, shall be exempt from the
24 120-day completion time limit. The Department shall adopt
25 rules for such courses of training. These rules shall
26 include procedures for facilities to carry on an approved

1 course of training within the facility. The rules shall
2 allow a registered nurse with a bachelor's degree and at
3 least 5 years' experience as a registered nurse to teach
4 seminars and training classes for nursing assistants.

5 The Department may accept comparable training in lieu
6 of the 120-hour course for student nurses, foreign nurses,
7 military personnel, or employees of the Department of Human
8 Services.

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

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

1 (6) Be familiar with and have general skills related to
2 resident care.

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

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

21 (b) Persons subject to this Section shall perform their
22 duties under the supervision of a licensed nurse or other
23 appropriately trained, licensed, or certified personnel.

24 (c) It is unlawful for any facility to employ any person in
25 the capacity of nursing assistant, habilitation aide, or child
26 care aide, or under any other title, not licensed by the State

1 of Illinois to assist in the personal, medical, or nursing care
2 of residents in such facility unless such person has complied
3 with this Section.

4 (d) Proof of compliance by each employee with the
5 requirements set out in this Section shall be maintained for
6 each such employee by each facility in the individual personnel
7 folder of the employee. Proof of training shall be obtained
8 only from the Health Care Worker Registry.

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

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

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

1 educational institutions that have a recognized course for such
2 training. The Department shall, by rule, establish a recognized
3 course for such training.

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

21 (Source: P.A. 99-180, eff. 7-29-15; 100-432, eff. 8-25-17.)

22 Section 15. The ID/DD Community Care Act is amended by
23 changing Section 3-206 as follows:

24 (210 ILCS 47/3-206)

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

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

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

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

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

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

25 (5) Begin a current course of training for nursing
26 assistants, habilitation aides, or child care aides,

1 approved by the Department, within 45 days of initial
2 employment in the capacity of a nursing assistant,
3 habilitation aide, or child care aide at any facility. Such
4 courses of training shall be successfully completed within
5 120 days of initial employment in the capacity of nursing
6 assistant, habilitation aide, or child care aide at a
7 facility. Nursing assistants, habilitation aides, and
8 child care aides who are enrolled in approved courses in
9 community colleges or other educational institutions on a
10 term, semester or trimester basis, shall be exempt from the
11 120-day completion time limit. The Department shall adopt
12 rules for such courses of training. These rules shall
13 include procedures for facilities to carry on an approved
14 course of training within the facility. The rules shall
15 allow a registered nurse with a bachelor's degree and at
16 least 5 years' experience as a registered nurse to teach
17 seminars and training classes for nursing assistants.

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

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

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

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

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

25 (a-1) Nursing assistants, habilitation aides, or child
26 care aides seeking to be included on the Health Care Worker

1 Registry under the Health Care Worker Background Check Act must
2 authorize the Department of Public Health or its designee to
3 request a criminal history record check in accordance with the
4 Health Care Worker Background Check Act and submit all
5 necessary information. An individual may not newly be included
6 on the Health Care Worker Registry unless a criminal history
7 record check has been conducted with respect to the individual.

8 (b) Persons subject to this Section shall perform their
9 duties under the supervision of a licensed nurse or other
10 appropriately trained, licensed, or certified personnel.

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

17 (d) Proof of compliance by each employee with the
18 requirements set out in this Section shall be maintained for
19 each such employee by each facility in the individual personnel
20 folder of the employee. Proof of training shall be obtained
21 only from the Health Care Worker Registry.

22 (e) Each facility shall obtain access to the Health Care
23 Worker Registry's web application, maintain the employment and
24 demographic information relating to each employee, and verify
25 by the category and type of employment that each employee
26 subject to this Section meets all the requirements of this

1 Section.

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

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

17 The Department's rules shall provide that such training may
18 be conducted in house at each facility subject to the
19 requirements of this subsection, in which case such training
20 shall be monitored by the Department. The Department's rules
21 shall also provide for circumstances and procedures whereby any
22 person who has received training that meets the requirements of
23 this subsection shall not be required to undergo additional
24 training if he or she is transferred to or obtains employment
25 at a different facility or a facility other than those licensed
26 under this Act but remains continuously employed as a nursing

1 assistant, habilitation aide, or child care aide. Individuals
2 who have performed no nursing, nursing-related services, or
3 habilitation services for a period of 24 consecutive months
4 shall be listed as inactive and as such do not meet the
5 requirements of this Section. Licensed sheltered care
6 facilities shall be exempt from the requirements of this
7 Section.

8 (Source: P.A. 100-432, eff. 8-25-17.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law."