

SB2270



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2270

Introduced 2/26/2021, by Sen. Dave Syverson

SYNOPSIS AS INTRODUCED:

210 ILCS 45/3-120

Amends the Nursing Home Care Act. Provides that, no later than January 1, 2022 (rather than 2011) the Department of Public Health shall file with the Secretary of State's Office (rather than the Joint Committee on Administrative Rules) proposed rules or proposed amendments to existing rules to certify nursing homes or distinct self-contained units within existing nursing homes (rather than only distinct self-contained units within existing nursing homes) for the behavioral management of persons with a high risk of aggression. Effective immediately.

LRB102 16342 CPF 22618 b

A BILL FOR

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.

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

20 (1) A security and safety assessment, completed before
21 admission to a certified unit if an Identified Offender
22 Report and Recommendation or other criminal risk analysis
23 has not been completed, to identify existing or potential

1 residents at risk of committing violent acts and determine
2 appropriate preventive action to be taken. The assessment
3 shall include, but need not be limited to, (i) a measure of
4 the frequency of, (ii) an identification of the
5 precipitating factors for, and (iii) the consequences of,
6 violent acts. The security and safety assessment shall be
7 in addition to any risk-of-harm assessment performed by a
8 PAS screener, but may use the results of this or any other
9 assessment. The security and safety assessment shall be
10 completed by the same licensed forensic psychologist who
11 prepares Identified Offender Reports and Recommendations
12 for identified offenders.

13 (2) Development of an individualized treatment and
14 behavior management plan for each resident to reduce
15 overall and specific risks.

16 (3) Room selection and appropriateness of roommate
17 assignment.

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

20 (5) Supervision and monitoring.

21 (6) Staffing levels.

22 (7) Quality assurance and improvement.

23 (8) Staff training, conducted during orientation and
24 periodically thereafter, specific to each job description
25 covering the following topics as appropriate:

26 (A) The violence escalation cycle.

1 (B) Violence predicting factors.

2 (C) Obtaining a history from a resident with a
3 history of violent behavior.

4 (D) Verbal and physical techniques to de-escalate
5 and minimize violent behavior.

6 (E) Strategies to avoid physical harm.

7 (F) Containment techniques, as permitted and
8 governed by law.

9 (G) Appropriate treatment to reduce violent
10 behavior.

11 (H) Documenting and reporting incidents of
12 violence.

13 (I) The process whereby employees affected by a
14 violent act may be debriefed or calmed down and the
15 tension of the situation may be reduced.

16 (J) Any resources available to employees for
17 coping with violence.

18 (K) Any other topic deemed appropriate based on
19 job description and the needs of this population.

20 (9) Elimination or reduction of environmental factors
21 that affect resident safety.

22 (10) Periodic independent reassessment of the
23 individual resident for appropriateness of continued
24 placement on the certified unit. For the purposes of this
25 paragraph (10), "independent" means that no professional
26 or financial relationship exists between any person making

1 the assessment and any community provider or long term
2 care facility.

3 (11) A definition of a "person with high risk of
4 aggression".

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

10 (c) A long term care facility found to be out of compliance
11 with the certification requirements under Section 3-120 may be
12 subject to denial, revocation, or suspension of the behavioral
13 management unit certification or the imposition of sanctions
14 and penalties, including the immediate suspension of new
15 admissions. Hearings shall be conducted pursuant to Part 7 of
16 Article III of this Act.

17 (d) The Department shall establish a certification fee
18 schedule by rule, in consultation with advocates, nursing
19 homes, and representatives of associations representing long
20 term care facilities.

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

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