



Rep. Fred Crespo

**Filed: 3/20/2023**

10300HB3890ham001

LRB103 30120 BMS 59180 a

1 AMENDMENT TO HOUSE BILL 3890

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3890 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Hospital Licensing Act is amended by  
5 changing Section 10.10 as follows:

6 (210 ILCS 85/10.10)

7 Sec. 10.10. Nurse Staffing by Patient Acuity.

8 (a) Findings. The Legislature finds and declares all of  
9 the following:

10 (1) The State of Illinois has a substantial interest  
11 in promoting quality care and improving the delivery of  
12 health care services.

13 (2) Evidence-based studies have shown that the basic  
14 principles of staffing in the acute care setting should be  
15 based on the complexity of patients' care needs aligned  
16 with available nursing skills to promote quality patient

1 care consistent with professional nursing standards.

2 (3) Compliance with this Section promotes an  
3 organizational climate that values registered nurses'  
4 input in meeting the health care needs of hospital  
5 patients.

6 (b) Definitions. As used in this Section:

7 "Acuity model" means an assessment tool selected and  
8 implemented by a hospital, as recommended by a nursing care  
9 committee, that assesses the complexity of patient care needs  
10 requiring professional nursing care and skills and aligns  
11 patient care needs and nursing skills consistent with  
12 professional nursing standards.

13 "Department" means the Department of Public Health.

14 "Direct patient care" means care provided by a registered  
15 professional nurse with direct responsibility to oversee or  
16 carry out medical regimens or nursing care for one or more  
17 patients.

18 "Nursing care committee" means a hospital-wide committee  
19 or committees of nurses whose functions, in part or in whole,  
20 contribute to the development, recommendation, and review of  
21 the hospital's nurse staffing plan established pursuant to  
22 subsection (d).

23 "Registered professional nurse" means a person licensed as  
24 a Registered Nurse under the Nurse Practice Act.

25 "Written staffing plan for nursing care services" means a  
26 written plan for the assignment of patient care nursing staff

1 based on multiple nurse and patient considerations that yield  
2 minimum staffing levels for inpatient care units and the  
3 adopted acuity model aligning patient care needs with nursing  
4 skills required for quality patient care consistent with  
5 professional nursing standards.

6 (c) Written staffing plan.

7 (1) Every hospital shall implement a written  
8 hospital-wide staffing plan, prepared by a nursing care  
9 committee or committees, that provides for minimum direct  
10 care professional registered nurse-to-patient staffing  
11 needs for each inpatient care unit, including inpatient  
12 emergency departments. If the staffing plan prepared by  
13 the nursing care committee is not adopted by the hospital,  
14 or if substantial changes are proposed to it, the chief  
15 nursing officer shall either: (i) provide a written  
16 explanation to the committee of the reasons the plan was  
17 not adopted; or (ii) provide a written explanation of any  
18 substantial changes made to the proposed plan prior to it  
19 being adopted by the hospital. The written hospital-wide  
20 staffing plan shall include, but need not be limited to,  
21 the following considerations:

22 (A) The complexity of complete care, assessment on  
23 patient admission, volume of patient admissions,  
24 discharges and transfers, evaluation of the progress  
25 of a patient's problems, ongoing physical assessments,  
26 planning for a patient's discharge, assessment after a

1 change in patient condition, and assessment of the  
2 need for patient referrals.

3 (B) The complexity of clinical professional  
4 nursing judgment needed to design and implement a  
5 patient's nursing care plan, the need for specialized  
6 equipment and technology, the skill mix of other  
7 personnel providing or supporting direct patient care,  
8 and involvement in quality improvement activities,  
9 professional preparation, and experience.

10 (C) Patient acuity and the number of patients for  
11 whom care is being provided.

12 (D) The ongoing assessments of a unit's patient  
13 acuity levels and nursing staff needed shall be  
14 routinely made by the unit nurse manager or his or her  
15 designee.

16 (E) The identification of additional registered  
17 nurses available for direct patient care when  
18 patients' unexpected needs exceed the planned workload  
19 for direct care staff.

20 (2) In order to provide staffing flexibility to meet  
21 patient needs, every hospital shall identify an acuity  
22 model for adjusting the staffing plan for each inpatient  
23 care unit.

24 (2.5) Each hospital shall implement the staffing plan  
25 and assign nursing personnel to each inpatient care unit,  
26 including inpatient emergency departments, in accordance

1 with the staffing plan.

2 (A) A registered nurse may report to the nursing  
3 care committee any variations where the nurse  
4 personnel assignment in an inpatient care unit is not  
5 in accordance with the adopted staffing plan and may  
6 make a written report to the nursing care committee  
7 based on the variations.

8 (B) Shift-to-shift adjustments in staffing levels  
9 required by the staffing plan may be made by the  
10 appropriate hospital personnel overseeing inpatient  
11 care operations. If a registered nurse in an inpatient  
12 care unit objects to a shift-to-shift adjustment, the  
13 registered nurse may submit a written report to the  
14 nursing care committee.

15 (C) The nursing care committee shall develop a  
16 process to examine and respond to written reports  
17 submitted under subparagraphs (A) and (B) of this  
18 paragraph (2.5), including the ability to determine if  
19 a specific written report is resolved or should be  
20 dismissed.

21 (3) The written staffing plan shall be posted, either  
22 by physical or electronic means, in a conspicuous and  
23 accessible location for both patients and direct care  
24 staff, as required under the Hospital Report Card Act. A  
25 copy of the written staffing plan shall be provided to any  
26 member of the general public upon request.

1 (d) Nursing care committee.

2 (1) Every hospital shall have a nursing care committee  
3 that meets at least 6 times per year. A hospital shall  
4 appoint members of a committee whereby at least 55% of the  
5 members are registered professional nurses providing  
6 direct inpatient care, one of whom shall be selected  
7 annually by the direct inpatient care nurses to serve as  
8 co-chair of the committee.

9 (2) (Blank).

10 (2.5) A nursing care committee shall prepare and  
11 recommend to hospital administration the hospital's  
12 written hospital-wide staffing plan. If the staffing plan  
13 is not adopted by the hospital, the chief nursing officer  
14 shall provide a written statement to the committee prior  
15 to a staffing plan being adopted by the hospital that: (A)  
16 explains the reasons the committee's proposed staffing  
17 plan was not adopted; and (B) describes the changes to the  
18 committee's proposed staffing or any alternative to the  
19 committee's proposed staffing plan.

20 (3) A nursing care committee's or committees' written  
21 staffing plan for the hospital shall be based on the  
22 principles from the staffing components set forth in  
23 subsection (c). In particular, a committee or committees  
24 shall provide input and feedback on the following:

25 (A) Selection, implementation, and evaluation of  
26 minimum staffing levels for inpatient care units.

1           (B) Selection, implementation, and evaluation of  
2 an acuity model to provide staffing flexibility that  
3 aligns changing patient acuity with nursing skills  
4 required.

5           (C) Selection, implementation, and evaluation of a  
6 written staffing plan incorporating the items  
7 described in subdivisions (c)(1) and (c)(2) of this  
8 Section.

9           (D) Review the nurse staffing plans for all  
10 inpatient areas and current acuity tools and measures  
11 in use. The nursing care committee's review shall  
12 consider:

13                 (i) patient outcomes;

14                 (ii) complaints regarding staffing, including  
15 complaints about a delay in direct care nursing or  
16 an absence of direct care nursing;

17                 (iii) the number of hours of nursing care  
18 provided through an inpatient hospital unit  
19 compared with the number of inpatients served by  
20 the hospital unit during a 24-hour period;

21                 (iv) the aggregate hours of overtime worked by  
22 the nursing staff;

23                 (v) the extent to which actual nurse staffing  
24 for each hospital inpatient unit differs from the  
25 staffing specified by the staffing plan; and

26                 (vi) any other matter or change to the

1 staffing plan determined by the committee to  
2 ensure that the hospital is staffed to meet the  
3 health care needs of patients.

4 (4) A nursing care committee must issue a written  
5 report addressing the items described in subparagraphs (A)  
6 through (D) of paragraph (3) semi-annually. A written copy  
7 of this report shall be made available to direct inpatient  
8 care nurses by making available a paper copy of the  
9 report, distributing it electronically, or posting it on  
10 the hospital's website.

11 (5) A nursing care committee must issue a written  
12 report at least annually to the hospital governing board  
13 that addresses items including, but not limited to: the  
14 items described in paragraph (3); changes made based on  
15 committee recommendations and the impact of such changes;  
16 and recommendations for future changes related to nurse  
17 staffing.

18 (6) A nursing care committee must annually notify the  
19 hospital nursing staff of the staff's rights under this  
20 Section. The annual notice must provide a phone number and  
21 an email address for staff to report noncompliance with  
22 the nursing staff's rights as described in this Section.  
23 The notice must be provided by email or by regular mail in  
24 a manner that effectively facilitates receipt of the  
25 notice. The Department shall monitor and enforce the  
26 requirements of this paragraph (6).



1           (e) Nothing in this Section 10.10 shall be construed to  
2 limit, alter, or modify any of the terms, conditions, or  
3 provisions of a collective bargaining agreement entered into  
4 by the hospital.

5           (f) No hospital may discipline, discharge, or take any  
6 other adverse employment action against an employee solely  
7 because the employee expresses a concern or complaint  
8 regarding an alleged violation of this Section or concerns  
9 related to nurse staffing.

10           (g) Any employee of a hospital may file a complaint with  
11 the Department regarding an alleged violation of this Section.  
12 The Department must forward notification of the alleged  
13 violation to the hospital in question within 10 business days  
14 after the complaint is filed. Upon receiving a complaint of a  
15 violation of this Section, the Department may take any action  
16 authorized under Sections 7 or 9 of this Act.

17           (Source: P.A. 102-4, eff. 4-27-21; 102-641, eff. 8-27-21;  
18 102-813, eff. 5-13-22.)".