

HB5218



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5218

Introduced 2/9/2024, by Rep. Barbara Hernandez

SYNOPSIS AS INTRODUCED:

210 ILCS 45/3-206

from Ch. 111 1/2, par. 4153-206

Amends the Nursing Home Care Act. Provides that the Department of Public Health shall adopt rules requiring the nursing assistant certification exam to be offered in both English and Spanish. Effective immediately.

LRB103 39106 CES 69246 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 3-206 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
8 for 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
17 Professional Regulation, assist with the personal, medical, or
18 nursing care of residents in a facility, unless such person
19 meets the 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.
13 Such courses of training shall be successfully completed
14 within 120 days of initial employment in the capacity of
15 nursing assistant, habilitation aide, or child care aide
16 at a 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
20 the 120-day completion time limit. During a statewide
21 public health emergency, as defined in the Illinois
22 Emergency Management Agency Act, all nursing assistants,
23 habilitation aides, and child care aides shall, to the
24 extent feasible, complete the training. The Department
25 shall adopt rules for such courses of training. These
26 rules shall include procedures for facilities to carry on

1 an approved course of training within the facility. The
2 Department shall allow an individual to satisfy the
3 supervised clinical experience requirement for placement
4 on the Health Care Worker Registry under 77 Ill. Adm. Code
5 300.663 through supervised clinical experience at an
6 assisted living establishment licensed under the Assisted
7 Living and Shared Housing Act. The Department shall adopt
8 rules requiring that the Health Care Worker Registry
9 include information identifying where an individual on the
10 Health Care Worker Registry received his or her clinical
11 training.

12 The Department may accept comparable training in lieu
13 of the 120-hour course for student nurses, foreign nurses,
14 military personnel, or employees of the Department of
15 Human Services.

16 The Department shall accept on-the-job experience in
17 lieu of clinical training from any individual who
18 participated in the temporary nursing assistant program
19 during the COVID-19 pandemic before the end date of the
20 temporary nursing assistant program and left the program
21 in good standing, and the Department shall notify all
22 approved certified nurse assistant training programs in
23 the State of this requirement. The individual shall
24 receive one hour of credit for every hour employed as a
25 temporary nursing assistant, up to 40 total hours, and
26 shall be permitted 90 days after the end date of the

1 temporary nursing assistant program to enroll in an
2 approved certified nursing assistant training program and
3 240 days to successfully complete the certified nursing
4 assistant training program. Temporary nursing assistants
5 who enroll in a certified nursing assistant training
6 program within 90 days of the end of the temporary nursing
7 assistant program may continue to work as a nursing
8 assistant for up to 240 days after enrollment in the
9 certified nursing assistant training program. As used in
10 this Section, "temporary nursing assistant program" means
11 the program implemented by the Department of Public Health
12 by emergency rule, as listed in 44 Ill. Reg. 7936,
13 effective April 21, 2020.

14 The Department shall adopt rules that require the
15 certification exam for nursing assistants to be offered in
16 both English and Spanish.

17 The facility shall develop and implement procedures,
18 which shall be approved by the Department, for an ongoing
19 review process, which shall take place within the
20 facility, for nursing assistants, habilitation aides, and
21 child care aides.

22 At the time of each regularly scheduled licensure
23 survey, or at the time of a complaint investigation, the
24 Department may require any nursing assistant, habilitation
25 aide, or child care aide to demonstrate, either through
26 written examination or action, or both, sufficient

1 knowledge in all areas of required training. If such
2 knowledge is inadequate the Department shall require the
3 nursing assistant, habilitation aide, or child care aide
4 to complete inservice training and review in the facility
5 until the nursing assistant, habilitation aide, or child
6 care aide demonstrates to the Department, either through
7 written examination or action, or both, sufficient
8 knowledge in all areas of required training.

9 (6) Be familiar with and have general skills related
10 to resident care.

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

20 (a-1) Nursing assistants, habilitation aides, or child
21 care aides seeking to be included on the Health Care Worker
22 Registry under the Health Care Worker Background Check Act on
23 or after January 1, 1996 must authorize the Department of
24 Public Health or its designee to request a criminal history
25 record check in accordance with the Health Care Worker
26 Background Check Act and submit all necessary information. An

1 individual may not newly be included on the Health Care Worker
2 Registry unless a criminal history record check has been
3 conducted with respect to the individual.

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

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

12 (d) Proof of compliance by each employee with the
13 requirements set out in this Section shall be maintained for
14 each such employee by each facility in the individual
15 personnel folder of the employee. Proof of training shall be
16 obtained only from the Health Care Worker Registry.

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

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

25 (g) Each skilled nursing and intermediate care facility
26 that admits persons who are diagnosed as having Alzheimer's

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

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

1 Section. Licensed sheltered care facilities shall be exempt
2 from the requirements of this Section.

3 An individual employed during the COVID-19 pandemic as a
4 nursing assistant in accordance with any Executive Orders,
5 emergency rules, or policy memoranda related to COVID-19 shall
6 be assumed to meet competency standards and may continue to be
7 employed as a certified nurse assistant when the pandemic ends
8 and the Executive Orders or emergency rules lapse. Such
9 individuals shall be listed on the Department's Health Care
10 Worker Registry website as "active".

11 (Source: P.A. 103-1, eff. 4-27-23.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.