



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5829

Introduced 08/29/06, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

210 ILCS 45/3-202
30 ILCS 805/8.30 new

from Ch. 111 1/2, par. 4153-202

Amends the Nursing Home Care Act and the State Mandates Act. Provides that the minimum standards adopted by the Department of Public Health for the operation of nursing homes must include a requirement that all areas of a nursing home used by residents of the nursing home be air conditioned; provides that such areas include bedrooms and common areas such as sitting rooms, activity rooms, living rooms, community rooms, and dining rooms. Provides that no reimbursement by the State is required for the implementation of any mandate created by this requirement. Effective immediately.

LRB094 21215 DRJ 59646 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 changing
5 Section 3-202 as follows:

6 (210 ILCS 45/3-202) (from Ch. 111 1/2, par. 4153-202)

7 Sec. 3-202. The Department shall prescribe minimum
8 standards for facilities. These standards shall regulate:

9 (1) Location and construction of the facility, including
10 plumbing, heating, lighting, ventilation, and other physical
11 conditions which shall ensure the health, safety, and comfort
12 of residents and their protection from fire hazard;

13 (2) Number and qualifications of all personnel, including
14 management and nursing personnel, having responsibility for
15 any part of the care given to residents; specifically, the
16 Department shall establish staffing ratios for facilities
17 which shall specify the number of staff hours per resident of
18 care that are needed for professional nursing care for various
19 types of facilities or areas within facilities;

20 (3) All sanitary conditions within the facility and its
21 surroundings, including water supply, sewage disposal, food
22 handling, and general hygiene, which shall ensure the health
23 and comfort of residents;

24 (4) Diet related to the needs of each resident based on
25 good nutritional practice and on recommendations which may be
26 made by the physicians attending the resident;

27 (5) Equipment essential to the health and welfare of the
28 residents;

29 (6) A program of habilitation and rehabilitation for those
30 residents who would benefit from such programs;

31 (7) A program for adequate maintenance of physical plant
32 and equipment;

1 (8) Adequate accommodations, staff and services for the
2 number and types of residents for whom the facility is licensed
3 to care, including standards for temperature and relative
4 humidity within comfort zones determined by the Department
5 based upon a combination of air temperature, relative humidity
6 and air movement. Such standards shall also require facility
7 plans that provide for health and comfort of residents at
8 medical risk as determined by the attending physician whenever
9 the temperature and relative humidity are outside such comfort
10 zones established by the Department. The standards must include
11 a requirement that all areas of a nursing home used by
12 residents of the nursing home be air conditioned. The areas
13 subject to this air-conditioning requirement include, without
14 limitation, bedrooms and common areas such as sitting rooms,
15 activity rooms, living rooms, community rooms, and dining
16 rooms.

17 (9) Development of evacuation and other appropriate safety
18 plans for use during weather, health, fire, physical plant,
19 environmental and national defense emergencies; and

20 (10) Maintenance of minimum financial or other resources
21 necessary to meet the standards established under this Section,
22 and to operate and conduct the facility in accordance with this
23 Act.

24 (Source: P.A. 83-1530.)

25 Section 90. The State Mandates Act is amended by adding
26 Section 8.30 as follows:

27 (30 ILCS 805/8.30 new)

28 Sec. 8.30. Exempt mandate. Notwithstanding Sections 6 and 8
29 of this Act, no reimbursement by the State is required for the
30 implementation of any mandate created by this amendatory Act of
31 the 94th General Assembly.

32 Section 99. Effective date. This Act takes effect upon
33 becoming law.