



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0892

Introduced 2/7/2007, by Rep. Jack D. Franks

#### SYNOPSIS AS INTRODUCED:

210 ILCS 45/3-202

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

30 ILCS 805/8.31 new

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 and heated; 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.

LRB095 08539 DRJ 28720 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;

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

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

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

8 (7) A program for adequate maintenance of physical plant  
9 and equipment;

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

26 (9) Development of evacuation and other appropriate safety

1 plans for use during weather, health, fire, physical plant,  
2 environmental and national defense emergencies; and

3 (10) Maintenance of minimum financial or other resources  
4 necessary to meet the standards established under this Section,  
5 and to operate and conduct the facility in accordance with this  
6 Act.

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

8 Section 90. The State Mandates Act is amended by adding  
9 Section 8.31 as follows:

10 (30 ILCS 805/8.31 new)

11 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8  
12 of this Act, no reimbursement by the State is required for the  
13 implementation of any mandate created by this amendatory Act of  
14 the 95th General Assembly.

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.