

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 Sections 3-103 and 3-202.05 as follows:

6 (210 ILCS 45/3-103) (from Ch. 111 1/2, par. 4153-103)

7 Sec. 3-103. The procedure for obtaining a valid license
8 shall be as follows:

9 (1) Application to operate a facility shall be made to
10 the Department on forms furnished by the Department.

11 (2) All license applications shall be accompanied with
12 an application fee. The fee for an annual license shall be
13 \$1,990. Facilities that pay a fee or assessment pursuant to
14 Article V-C of the Illinois Public Aid Code shall be exempt
15 from the license fee imposed under this item (2). The fee
16 for a 2-year license shall be double the fee for the annual
17 license ~~set forth in the preceding sentence~~. The fees
18 collected shall be deposited with the State Treasurer into
19 the Long Term Care Monitor/Receiver Fund, which has been
20 created as a special fund in the State treasury. This
21 special fund is to be used by the Department for expenses
22 related to the appointment of monitors and receivers as
23 contained in Sections 3-501 through 3-517 of this Act, for

1 the enforcement of this Act, and for implementation of the
2 Abuse Prevention Review Team Act. The Department may reduce
3 or waive a penalty pursuant to Section 3-308 only if that
4 action will not threaten the ability of the Department to
5 meet the expenses required to be met by the Long Term Care
6 Monitor/Receiver Fund. At the end of each fiscal year, any
7 funds in excess of \$1,000,000 held in the Long Term Care
8 Monitor/Receiver Fund shall be deposited in the State's
9 General Revenue Fund. The application shall be under oath
10 and the submission of false or misleading information shall
11 be a Class A misdemeanor. The application shall contain the
12 following information:

13 (a) The name and address of the applicant if an
14 individual, and if a firm, partnership, or
15 association, of every member thereof, and in the case
16 of a corporation, the name and address thereof and of
17 its officers and its registered agent, and in the case
18 of a unit of local government, the name and address of
19 its chief executive officer;

20 (b) The name and location of the facility for which
21 a license is sought;

22 (c) The name of the person or persons under whose
23 management or supervision the facility will be
24 conducted;

25 (d) The number and type of residents for which
26 maintenance, personal care, or nursing is to be

1 provided; and

2 (e) Such information relating to the number,
3 experience, and training of the employees of the
4 facility, any management agreements for the operation
5 of the facility, and of the moral character of the
6 applicant and employees as the Department may deem
7 necessary.

8 (3) Each initial application shall be accompanied by a
9 financial statement setting forth the financial condition
10 of the applicant and by a statement from the unit of local
11 government having zoning jurisdiction over the facility's
12 location stating that the location of the facility is not
13 in violation of a zoning ordinance. An initial application
14 for a new facility shall be accompanied by a permit as
15 required by the "Illinois Health Facilities Planning Act".
16 After the application is approved, the applicant shall
17 advise the Department every 6 months of any changes in the
18 information originally provided in the application.

19 (4) Other information necessary to determine the
20 identity and qualifications of an applicant to operate a
21 facility in accordance with this Act shall be included in
22 the application as required by the Department in
23 regulations.

24 (Source: P.A. 96-758, eff. 8-25-09; 96-1372, eff. 7-29-10.)

25 (210 ILCS 45/3-202.05)

1 Sec. 3-202.05. Staffing ratios effective July 1, 2010 and
2 thereafter.

3 (a) For the purpose of computing staff to resident ratios,
4 direct care staff shall include:

5 (1) registered nurses;

6 (2) licensed practical nurses;

7 (3) certified nurse assistants;

8 (4) psychiatric services rehabilitation aides;

9 (5) rehabilitation and therapy aides;

10 (6) psychiatric services rehabilitation coordinators;

11 (7) assistant directors of nursing;

12 (8) 50% of the Director of Nurses' time; and

13 (9) 30% of the Social Services Directors' time.

14 The Department shall, by rule, allow certain facilities
15 subject to 77 Ill. Admin. Code 300.4000 and following (Subpart
16 S) and 300.6000 and following (Subpart T) to utilize
17 specialized clinical staff, as defined in rules, to count
18 towards the staffing ratios.

19 (b) Beginning January ~~July~~ 1, 2011, and thereafter, light
20 intermediate care shall be staffed at the same staffing ratio
21 as intermediate care.

22 (c) Facilities shall notify the Department within 60 days
23 after the effective date of this amendatory Act of the 96th
24 General Assembly, in a form and manner prescribed by the
25 Department, of the staffing ratios in effect on the effective
26 date of this amendatory Act of the 96th General Assembly for

1 both intermediate and skilled care and the number of residents
2 receiving each level of care.

3 (d) (1) Effective July 1, 2010, for each resident needing
4 skilled care, a minimum staffing ratio of 2.5 hours of nursing
5 and personal care each day must be provided; for each resident
6 needing intermediate care, 1.7 hours of nursing and personal
7 care each day must be provided.

8 (2) Effective January 1, 2011, the minimum staffing
9 ratios shall be increased to 2.7 hours of nursing and
10 personal care each day for a resident needing skilled care
11 and 1.9 hours of nursing and personal care each day for a
12 resident needing intermediate care.

13 (3) Effective January 1, 2012, the minimum staffing
14 ratios shall be increased to 3.0 hours of nursing and
15 personal care each day for a resident needing skilled care
16 and 2.1 hours of nursing and personal care each day for a
17 resident needing intermediate care.

18 (4) Effective January 1, 2013, the minimum staffing
19 ratios shall be increased to 3.4 hours of nursing and
20 personal care each day for a resident needing skilled care
21 and 2.3 hours of nursing and personal care each day for a
22 resident needing intermediate care.

23 (5) Effective January 1, 2014, the minimum staffing
24 ratios shall be increased to 3.8 hours of nursing and
25 personal care each day for a resident needing skilled care
26 and 2.5 hours of nursing and personal care each day for a

1 resident needing intermediate care.

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

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.