



Rep. Barbara Flynn Currie

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LRB096 05341 RPM 43781 a

1 AMENDMENT TO HOUSE BILL 1716

2 AMENDMENT NO. _____. Amend House Bill 1716 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Nursing Home Care Act is amended by
5 changing 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

1 license ~~set forth in the preceding sentence~~. The fees
2 collected shall be deposited with the State Treasurer into
3 the Long Term Care Monitor/Receiver Fund, which has been
4 created as a special fund in the State treasury. This
5 special fund is to be used by the Department for expenses
6 related to the appointment of monitors and receivers as
7 contained in Sections 3-501 through 3-517 of this Act, for
8 the enforcement of this Act, and for implementation of the
9 Abuse Prevention Review Team Act. The Department may reduce
10 or waive a penalty pursuant to Section 3-308 only if that
11 action will not threaten the ability of the Department to
12 meet the expenses required to be met by the Long Term Care
13 Monitor/Receiver Fund. At the end of each fiscal year, any
14 funds in excess of \$1,000,000 held in the Long Term Care
15 Monitor/Receiver Fund shall be deposited in the State's
16 General Revenue Fund. The application shall be under oath
17 and the submission of false or misleading information shall
18 be a Class A misdemeanor. The application shall contain the
19 following information:

20 (a) The name and address of the applicant if an
21 individual, and if a firm, partnership, or
22 association, of every member thereof, and in the case
23 of a corporation, the name and address thereof and of
24 its officers and its registered agent, and in the case
25 of a unit of local government, the name and address of
26 its chief executive officer;

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

3 (c) The name of the person or persons under whose
4 management or supervision the facility will be
5 conducted;

6 (d) The number and type of residents for which
7 maintenance, personal care, or nursing is to be
8 provided; and

9 (e) Such information relating to the number,
10 experience, and training of the employees of the
11 facility, any management agreements for the operation
12 of the facility, and of the moral character of the
13 applicant and employees as the Department may deem
14 necessary.

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

26 (4) Other information necessary to determine the

1 identity and qualifications of an applicant to operate a
2 facility in accordance with this Act shall be included in
3 the application as required by the Department in
4 regulations.

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

6 (210 ILCS 45/3-202.05)

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

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

- 11 (1) registered nurses;
- 12 (2) licensed practical nurses;
- 13 (3) certified nurse assistants;
- 14 (4) psychiatric services rehabilitation aides;
- 15 (5) rehabilitation and therapy aides;
- 16 (6) psychiatric services rehabilitation coordinators;
- 17 (7) assistant directors of nursing;
- 18 (8) 50% of the Director of Nurses' time; and
- 19 (9) 30% of the Social Services Directors' time.

20 The Department shall, by rule, allow certain facilities
21 subject to 77 Ill. Admin. Code 300.4000 and following (Subpart
22 S) and 300.6000 and following (Subpart T) to utilize
23 specialized clinical staff, as defined in rules, to count
24 towards the staffing ratios.

25 (b) Beginning January ~~July~~ 1, 2011, and thereafter, light

1 intermediate care shall be staffed at the same staffing ratio
2 as intermediate care.

3 (c) Facilities shall notify the Department within 60 days
4 after the effective date of this amendatory Act of the 96th
5 General Assembly, in a form and manner prescribed by the
6 Department, of the staffing ratios in effect on the effective
7 date of this amendatory Act of the 96th General Assembly for
8 both intermediate and skilled care and the number of residents
9 receiving each level of care.

10 (d) (1) Effective July 1, 2010, for each resident needing
11 skilled care, a minimum staffing ratio of 2.5 hours of nursing
12 and personal care each day must be provided; for each resident
13 needing intermediate care, 1.7 hours of nursing and personal
14 care each day must be provided.

15 (2) Effective January 1, 2011, the minimum staffing
16 ratios shall be increased to 2.7 hours of nursing and
17 personal care each day for a resident needing skilled care
18 and 1.9 hours of nursing and personal care each day for a
19 resident needing intermediate care.

20 (3) Effective January 1, 2012, the minimum staffing
21 ratios shall be increased to 3.0 hours of nursing and
22 personal care each day for a resident needing skilled care
23 and 2.1 hours of nursing and personal care each day for a
24 resident needing intermediate care.

25 (4) Effective January 1, 2013, the minimum staffing
26 ratios shall be increased to 3.4 hours of nursing and

1 personal care each day for a resident needing skilled care
2 and 2.3 hours of nursing and personal care each day for a
3 resident needing intermediate care.

4 (5) Effective January 1, 2014, the minimum staffing
5 ratios shall be increased to 3.8 hours of nursing and
6 personal care each day for a resident needing skilled care
7 and 2.5 hours of nursing and personal care each day for a
8 resident needing intermediate care.

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

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."