



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2622

Introduced 2/20/2009, by Rep. Naomi D. Jakobsson

SYNOPSIS AS INTRODUCED:

New Act

Creates the Nurse Assistant Certification Act. Provides that no person may represent himself or herself as a certified nurse assistant, work as a certified nurse assistant, or use the title "certified nurse assistant" or a similar title, unless he or she is certified by the Illinois Department of Public Health. Provides that any applicant for certification who qualifies as a certified nurse assistant under the Nursing Home Care Act shall be certified by the Department. Provides that a person practicing as a certified nurse assistant shall be certified by the Department by July 1, 2010, or the commencement of practice, whichever is later. Provides that any allegation of abuse or neglect of an eligible adult by a certified nurse assistant shall be investigated, whether the abuse or neglect occurred or is alleged to have occurred in a facility or outside of a facility, including any domestic living arrangement as defined under the Elder Abuse and Neglect Act. Provides that if the Department concludes after its investigation that a certified nurse assistant has abused or neglected an eligible adult, then it must take disciplinary action against the certified nurse assistant. Provides a civil penalty for unauthorized practice as a certified nurse assistant. Provides that the Department shall establish by rule the grounds and process for disciplinary action. Defines "abuse", "Department", "eligible adult", "facility", and "neglect". Effective immediately.

LRB096 10116 ASK 20282 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning professional regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Nurse
5 Assistant Certification Act.

6 Section 5. Definitions; construction.

7 (a) In this Act:

8 "Abuse" means causing any physical, mental or sexual injury
9 to an eligible adult, including the deliberate misplacement,
10 exploitation, or wrongful temporary or permanent use of a
11 resident's belongings or money without the consent of the
12 eligible adult or his or her guardian.

13 "Department" means the Illinois Department of Public
14 Health.

15 "Eligible adult" means a person 60 years of age or older
16 who resides in a domestic living situation and is, or is
17 alleged to be, abused, neglected, or financially exploited by
18 another individual or who neglects himself or herself.

19 "Facility" has the same definition as under the Nursing
20 Home Care Act.

21 "Neglect" means another individual's failure to provide an
22 eligible adult with or willful withholding from an eligible
23 adult the necessities of life including, but not limited to,

1 food, clothing, shelter or health care.

2 (b) Nothing in this Act shall be construed to mean that an
3 eligible adult is a victim of abuse or neglect for the sole
4 reason that he or she is being furnished with or relies upon
5 treatment by spiritual means through prayer alone, in
6 accordance with the tenets and practices of a recognized church
7 or religious denomination. Nothing in this Act creates any new
8 affirmative duty to provide support to eligible adults. Nothing
9 in this Act shall be construed to mean that an eligible adult
10 is a victim of neglect because of health care services provided
11 or not provided by licensed health care professionals.

12 Section 10. Certification.

13 (a) No person may represent himself or herself as a
14 certified nurse assistant, work as a certified nurse assistant,
15 or use the title "certified nurse assistant" or a similar
16 title, unless he or she is certified by the Department.

17 (b) A person practicing as a certified nurse assistant
18 shall be certified by the Department by July 1, 2010, or the
19 commencement of practice, whichever is later.

20 (c) Any applicant for certification who qualifies under the
21 provisions of Section 3-206 of the Nursing Home Care Act shall
22 be certified by the Department.

23 Section 15. Investigation of abuse or neglect.

24 (a) The Department shall investigate all complaints of

1 abuse or neglect regarding certified nurse assistants received
2 from the public, law enforcement, or a facility.

3 (b) Any allegation of abuse or neglect of an eligible adult
4 by a certified nurse assistant shall be investigated, including
5 any abuse or neglect that occurred or is alleged to have
6 occurred inside a facility or outside of a facility, including
7 any domestic living arrangement as defined under the Elder
8 Abuse and Neglect Act.

9 (c) If the Department concludes after its investigation
10 that a certified nurse assistant has abused or neglected an
11 eligible adult, then it must take disciplinary action against
12 the certified nurse assistant.

13 Section 20. Unauthorized practice; violation; civil
14 penalty.

15 (a) Any person who practices, offers to practice, attempts
16 to practice, or holds himself or herself out to practice as a
17 certified nurse assistant without being certified under this
18 Act shall, in addition to any other penalty provided by law,
19 pay a civil penalty to the Department in an amount not to
20 exceed \$5,000 for each offense as determined by the Department.
21 The civil penalty may be assessed by the Department only after
22 notice is given and a hearing is held in accordance with rules
23 adopted by the Department.

24 (b) The Department may investigate any and all unlicensed
25 activity.

1 (c) The civil penalty shall be paid within 60 days after
2 the effective date of the order imposing the civil penalty. The
3 order shall constitute a judgment and may be filed and
4 execution had thereon in the same manner as any judgment from
5 any court of record.

6 Section 25. Disciplinary grounds. The Department shall
7 issue rules establishing the grounds and a process for
8 disciplinary action, including the suspension or revocation of
9 a nursing assistant's certification. The Department must grant
10 any certified nurse assistant all due process rights in any
11 disciplinary process that it establishes by rule.

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