

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 3-206.05 as follows:

6 (210 ILCS 45/3-206.05)

7 Sec. 3-206.05. Safe resident handling policy.

8 (a) In this Section:

9 "Health care worker" means an individual providing direct
10 resident care services who may be required to lift, transfer,
11 reposition, or move a resident.

12 "Nurse" means an advanced practice nurse, a registered
13 nurse, or a licensed practical nurse licensed under the Nurse
14 Practice Act.

15 "Safe lifting equipment and accessories" means mechanical
16 equipment designed to lift, move, reposition, and transfer
17 residents, including, but not limited to, fixed and portable
18 ceiling lifts, sit-to-stand lifts, slide sheets and boards,
19 slings, and repositioning and turning sheets.

20 "Safe lifting team" means at least 2 individuals who are
21 trained and proficient in the use of both safe lifting
22 techniques and safe lifting equipment and accessories.

23 "Adjustable equipment" means products and devices that may

1 be adapted for use by individuals with physical and other
2 disabilities in order to optimize accessibility. Adjustable
3 equipment includes, but is not limited to, the following:

4 (1) Wheelchairs with adjustable footrest height and
5 seat width and depth.

6 (2) Height-adjustable, drop-arm commode chairs and
7 height-adjustable shower gurneys or shower benches to
8 enable individuals with mobility disabilities to use a
9 toilet and to shower safely and with increased comfort.

10 (3) Accessible weight scales that accommodate
11 wheelchair users.

12 (4) Height-adjustable beds that can be lowered to
13 accommodate individuals with mobility disabilities in
14 getting in and out of bed and that utilize drop-down side
15 railings for stability and positioning support.

16 (5) Universally designed or adaptable call buttons and
17 motorized bed position and height controls that can be
18 operated by persons with limited or no reach range, fine
19 motor ability, or vision.

20 (6) Height-adjustable platform tables for physical
21 therapy with drop-down side railings for stability and
22 positioning support.

23 (7) Therapeutic rehabilitation and exercise machines
24 with foot straps to secure the user's feet to the pedals
25 and with cuffs or splints to augment the user's grip
26 strength on handles.

1 (b) A facility must adopt and ensure implementation of a
2 policy to identify, assess, and develop strategies to control
3 risk of injury to residents and nurses and other health care
4 workers associated with the lifting, transferring,
5 repositioning, or movement of a resident. The policy shall
6 establish a process that, at a minimum, includes all of the
7 following:

8 (1) Analysis of the risk of injury to residents and
9 nurses and other health care workers taking into account
10 the resident handling needs of the resident populations
11 served by the facility and the physical environment in
12 which the resident handling and movement occurs.

13 (2) Education and training of nurses and other direct
14 resident care providers in the identification, assessment,
15 and control of risks of injury to residents and nurses and
16 other health care workers during resident handling and on
17 safe lifting policies and techniques and current lifting
18 equipment.

19 (3) Evaluation of alternative ways to reduce risks
20 associated with resident handling, including evaluation of
21 equipment and the environment.

22 (4) Restriction, to the extent feasible with existing
23 equipment and aids, of manual resident handling or movement
24 of all or most of a resident's weight except for emergency,
25 life-threatening, or otherwise exceptional circumstances.

26 (5) Procedures for a nurse to refuse to perform or be

1 involved in resident handling or movement that the nurse in
2 good faith believes will expose a resident or nurse or
3 other health care worker to an unacceptable risk of injury.

4 (6) Development of strategies to control risk of injury
5 to residents and nurses and other health care workers
6 associated with the lifting, transferring, repositioning,
7 or movement of a resident.

8 (7) In developing architectural plans for construction
9 or remodeling of a facility or unit of a facility in which
10 resident handling and movement occurs, consideration of
11 the feasibility of incorporating resident handling
12 equipment or the physical space and construction design
13 needed to incorporate that equipment.

14 (8) Fostering and maintaining resident safety,
15 dignity, self-determination, and choice, including the
16 following policies, strategies, and procedures:

17 (A) The existence and availability of a trained
18 safe lifting team.

19 (B) A policy of advising residents of a range of
20 transfer and lift options, including adjustable
21 diagnostic and treatment equipment, mechanical lifts,
22 and provision of a trained safe lifting team.

23 (C) The right of a competent resident, or the
24 guardian of a resident adjudicated incompetent, to
25 choose among the range of transfer and lift options
26 consistent with the procedures set forth under

1 subdivision (b)(5) and the policies set forth under
2 this paragraph (8), subject to the provisions of
3 subparagraph (E) of this paragraph (8).

4 (D) Procedures for documenting, upon admission and
5 as status changes, a mobility assessment and plan for
6 lifting, transferring, repositioning, or movement of a
7 resident, including the choice of the resident or the
8 resident's guardian among the range of transfer and
9 lift options.

10 (E) Incorporation of such safe lifting procedures,
11 techniques, and equipment as are consistent with
12 applicable federal law.

13 (c) Safe lifting teams must receive specialized, in-depth
14 training that includes, but need not be limited to, the
15 following:

16 (1) Types and operation of equipment.

17 (2) Safe manual lifting and moving techniques.

18 (3) Ergonomic principles in the assessment of risk both
19 to nurses and other workers and to residents.

20 (4) The selection, safe use, location, and condition of
21 appropriate pieces of equipment individualized to each
22 resident's medical and physical conditions and
23 preferences.

24 (5) Procedures for advising residents of the full range
25 of transfer and lift options and for documenting
26 individualized lifting plans that include resident choice.

1 Specialized, in-depth training may rely on federal
2 standards and guidelines such as the United States Department
3 of Labor Guidelines for Nursing Homes, supplemented by federal
4 requirements for barrier removal, independent access, and
5 means of accommodation optimizing independent movement and
6 transfer.

7 (Source: P.A. 96-389, eff. 1-1-10.)