

**HB3398**



**99TH GENERAL ASSEMBLY**

**State of Illinois**

**2015 and 2016**

**HB3398**

by Rep. Brandon W. Phelps

**SYNOPSIS AS INTRODUCED:**

210 ILCS 45/3-202.05

Amends the Nursing Home Care Act. In a provision that requires a certain amount of nursing and personal care time to be provided by registered nurses, provides that the Department of Public Health may waive the requirement for a facility if the facility demonstrates to the satisfaction of the Department, as established by rule, that it is unable to meet the requirement. Effective immediately.

LRB099 09359 RPS 29564 b

FISCAL NOTE ACT  
MAY APPLY

**A BILL FOR**

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 3-202.05 as follows:

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) to utilize specialized clinical staff, as defined in rules,  
23 to count towards the staffing ratios.

1           Within 120 days of the effective date of this amendatory  
2 Act of the 97th General Assembly, the Department shall  
3 promulgate rules specific to the staffing requirements for  
4 facilities federally defined as Institutions for Mental  
5 Disease. These rules shall recognize the unique nature of  
6 individuals with chronic mental health conditions, shall  
7 include minimum requirements for specialized clinical staff,  
8 including clinical social workers, psychiatrists,  
9 psychologists, and direct care staff set forth in paragraphs  
10 (4) through (6) and any other specialized staff which may be  
11 utilized and deemed necessary to count toward staffing ratios.

12           Within 120 days of the effective date of this amendatory  
13 Act of the 97th General Assembly, the Department shall  
14 promulgate rules specific to the staffing requirements for  
15 facilities licensed under the Specialized Mental Health  
16 Rehabilitation Act of 2013. These rules shall recognize the  
17 unique nature of individuals with chronic mental health  
18 conditions, shall include minimum requirements for specialized  
19 clinical staff, including clinical social workers,  
20 psychiatrists, psychologists, and direct care staff set forth  
21 in paragraphs (4) through (6) and any other specialized staff  
22 which may be utilized and deemed necessary to count toward  
23 staffing ratios.

24           (b) Beginning January 1, 2011, and thereafter, light  
25 intermediate care shall be staffed at the same staffing ratio  
26 as intermediate care.

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

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

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

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

23 (4) Effective January 1, 2013, the minimum staffing ratios  
24 shall be increased to 3.4 hours of nursing and personal care  
25 each day for a resident needing skilled care and 2.3 hours of  
26 nursing and personal care each day for a resident needing

1 intermediate care.

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

7 (e) Ninety days after the effective date of this amendatory  
8 Act of the 97th General Assembly, a minimum of 25% of nursing  
9 and personal care time shall be provided by licensed nurses,  
10 with at least 10% of nursing and personal care time provided by  
11 registered nurses. These minimum requirements shall remain in  
12 effect until an acuity based registered nurse requirement is  
13 promulgated by rule concurrent with the adoption of the  
14 Resource Utilization Group classification-based payment  
15 methodology, as provided in Section 5-5.2 of the Illinois  
16 Public Aid Code. However, the Department may waive the  
17 registered nurse requirement for a facility if the facility  
18 demonstrates to the satisfaction of the Department, as  
19 established by rule, that it is unable to meet the registered  
20 nurse requirement. Registered nurses and licensed practical  
21 nurses employed by a facility in excess of these requirements  
22 may be used to satisfy the remaining 75% of the nursing and  
23 personal care time requirements. Notwithstanding this  
24 subsection, no staffing requirement in statute in effect on the  
25 effective date of this amendatory Act of the 97th General  
26 Assembly shall be reduced on account of this subsection.

1 (Source: P.A. 97-689, eff. 6-14-12; 98-104, eff. 7-22-13.)

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