

AN ACT concerning regulation.

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

Section 5. The Nursing Home Care Act is amended by changing Section 3-120 as follows:

(210 ILCS 45/3-120)

Sec. 3-120. Certification of behavioral management units.

(a) No later than January 1, 2022 ~~2011~~, the Department shall file with the Secretary of State's Office ~~Joint Committee on Administrative Rules~~, pursuant to the Illinois Administrative Procedure Act, proposed rules or proposed amendments to existing rules to certify nursing homes or distinct self-contained units within existing nursing homes for the behavioral management of persons with a high risk of aggression. The purpose of the certification program is to ensure that the safety of residents, employees, and the public is preserved. No more than 3 facilities shall be certified in the first 3 years after the effective date of this amendatory Act of the 102nd General Assembly. Prior to the expansion of the number of certified facilities, the Department shall collaborate with stakeholders, including, but not limited to, organizations whose membership consists of congregate long-term care facilities, to evaluate the efficacy of the

certification program.

(b) The Department's rules shall, at a minimum, provide for the following:

(1) A security and safety assessment, completed before admission to a certified unit if an Identified Offender Report and Recommendation or other criminal risk analysis has not been completed, to identify existing or potential residents at risk of committing violent acts and determine appropriate preventive action to be taken. The assessment shall include, but need not be limited to, (i) a measure of the frequency of, (ii) an identification of the precipitating factors for, and (iii) the consequences of, violent acts. The security and safety assessment shall be in addition to any risk-of-harm assessment performed by a PAS screener, but may use the results of this or any other assessment. The security and safety assessment shall be completed by the same licensed forensic psychologist who prepares Identified Offender Reports and Recommendations for identified offenders.

(2) Development of an individualized treatment and behavior management plan for each resident to reduce overall and specific risks.

(3) Room selection and appropriateness of roommate assignment.

(4) Protection of residents, employees, and members of the public from aggression by residents.

(5) Supervision and monitoring.

(6) Staffing levels.

(7) Quality assurance and improvement.

(8) Staff training, conducted during orientation and periodically thereafter, specific to each job description covering the following topics as appropriate:

(A) The violence escalation cycle.

(B) Violence predicting factors.

(C) Obtaining a history from a resident with a history of violent behavior.

(D) Verbal and physical techniques to de-escalate and minimize violent behavior.

(E) Strategies to avoid physical harm.

(F) Containment techniques, as permitted and governed by law.

(G) Appropriate treatment to reduce violent behavior.

(H) Documenting and reporting incidents of violence.

(I) The process whereby employees affected by a violent act may be debriefed or calmed down and the tension of the situation may be reduced.

(J) Any resources available to employees for coping with violence.

(K) Any other topic deemed appropriate based on job description and the needs of this population.

(9) Elimination or reduction of environmental factors that affect resident safety.

(10) Periodic independent reassessment of the individual resident for appropriateness of continued placement on the certified unit. For the purposes of this paragraph (10), "independent" means that no professional or financial relationship exists between any person making the assessment and any community provider or long term care facility.

(11) A definition of a "person with high risk of aggression". The definition shall not include any person with a serious mental illness who is eligible to receive services under the Specialized Mental Health Rehabilitation Act of 2013.

The Department shall develop the administrative rules under this subsection (b) in collaboration with other relevant State agencies and in consultation with (i) advocates for residents, (ii) providers of nursing home services, and (iii) labor and employee-representation organizations.

(c) A long term care facility found to be out of compliance with the certification requirements under Section 3-120 may be subject to denial, revocation, or suspension of the behavioral management unit certification or the imposition of sanctions and penalties, including the immediate suspension of new admissions. Hearings shall be conducted pursuant to Part 7 of Article III of this Act.

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(d) The Department shall establish a certification fee schedule by rule, in consultation with advocates, nursing homes, and representatives of associations representing long term care facilities.

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

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