



Illinois Health and Hospital Association

HB 4100 – Nurse Practice Act (225 ILCS 65/) & Unified Code of Corrections (730 ILCS 5/3-6-2)

Summary prepared by Illinois Hospital Association

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Amendment. Amends the Nurse Practice Act and specific medical facilities Acts, including Illinois Hospital Licensing Act, to address workplace violence through mandatory prevention training, required signage, and whistleblower protections to safeguard nurses from retaliatory actions. Also adds provisions to the Unified Code of Corrections mandating provider notice and protections when committed persons are transferred to licensed care facilities for medical care and treatment.

Application. Applies to all persons seeking renewal of licensure in Illinois as a Licensed Practical Nurse (LPN), Registered Nurse (RN), or Advanced Practice Registered Nurse (APRN) and to their employers for nurses working at licensed hospitals, veterans' homes and venues licensed as MC/DD, ID/DD and retail health care facilities as defined under the amended law.

Definitions.

- §85-5: Defines “retail health care facility” or “facility” as any institution, place, building, or portion thereof that:
 - Performs health care services and is located within a retail store or pharmacy at a specific location;
 - Does not provide surgical services or any form of general anesthesia;
 - Does not provide beds or any other kind of long-term or overnight stay;
 - Discharges patients in an ambulatory condition without any danger or adverse impact to their well-being, or transfers non-ambulatory patients to hospitals.
 - Does not include hospitals; long-term care facilities; ambulatory treatment centers; blood banks; clinical laboratories; office of physicians, advanced practice nurses, podiatrists, and physician assistants; and pharmacies that provide pharmaceutical services.
- §85-20: Defines “retaliatory action” as the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms and conditions of employment of any nurse employed by a retail health facility, hospital, facility, or veterans home that is taken in retaliation for the nurse’s involvement in a protected activity.
- §85-20: Defines “protected activity” as any of the following:
 - Discloses or threatens to disclose to a supervisor or public body an activity, policy, or practice implemented by or inaction by a retail health care facility, hospital, facility, or veterans home that the nurse reasonably believes is in violation of a law, rule or regulation;
 - Provides information or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by retail health care facility, hospital, facility, or veterans home;

- Files a complaint against a patient or individual for assault that took place while working as a nurse in the retail health care facility, hospital, facility, or veterans home;
- Assists or participates in a proceeding to enforce the provisions of this Act.

License Renewal.

- LPN license holders must verify that they have completed the safety and health training required by the act in order to renew their license (§55-15).
- RN license holders must verify that they have completed the safety and health training required by the act in order to renew their license (§60-20).
- APN license holders must verify that they have completed the safety and health training required by the act in order to renew their license (§65-15).

Workplace Safety (§85-10).

- Requires a nurse that contacts law enforcement or files a complaint against a patient or individual because of workplace violence to provide notice to their site management within 3 days after contacting law enforcement or filing the complaint.
- Management may not discourage a nurse from contacting law enforcement or filing a complaint because of workplace violence.
- Facilities employing nurses under this Act must display a notice stating that verbal aggression will not be tolerated and physical assault will be prosecuted to the fullest extent of the law.
- Mandates facilities specified in this Act to provide mental health services to any nurse that is a victim of workplace violence.

Workplace Violence Prevention Program (§85-15).

- Requires specific facilities to create a workplace violence prevention program that includes*:
 - Management commitment and worker participation;
 - Worksite analysis and identification of potential hazards;
 - Hazard prevention and control;
 - Safety and health training with required hours (determined by rule)
 - Recordkeeping and evaluation of the violence prevention program

**Please note: Retail health care facilities are not included in this section.*

Whistleblower Protections (§85-20).

- A violation of this section may be established only if the following two criteria are met:
 - A nurse employed by a retail health care facility, hospital, facility or veterans home engaged in a protected activity; *and*
 - This conduct was a contributing factor in the retaliatory action alleged by the nurse.

- There is no violation of the whistleblower protections if the facility in question can demonstrate by clear and convincing evidence that it would have taken the same unfavorable personnel action in the absence of that conduct.
- Nurses who are employed in the facilities identified in this Act may be awarded all remedies to make the nurse whole and prevent future violations. Theremedies may include, but are not limited to, all of the following:
 - Reinstatement of the nurse to either the same position held before the retaliatory action or to an equivalent position.
 - Two times the amount of back pay.
 - Interest on the back pay.
 - Reinstatement of full fringe benefits and seniority rights.
 - Payment of reasonable costs and attorney’s fees.
- Nothing in this section will diminish the rights, privileges, or remedies of employed nurses who have employment contracts.

Unified Code of Corrections (730 ILCS 5/3-6-2).

- In the event a committed person receives medical care and treatment at a place other than a Department of Corrections or Department of Juvenile Justice institution or facility, the facility or institution will:
 - Contact the hospital or medical facility that is treating the person prior to the patient’s visit, except in situations of a medical emergency;
 - Provide 2 guards to accompany the person at all times during the visit to the hospital or medical facility;
 - Ensure the person is wearing security restraints on wrists and ankles at all times; *and*
 - Prevent anyone from visiting the person, except medical personnel, unless death is imminent. If death is imminent:
 - The hospital or medical facility will follow the rules required by the facility or institution for visitation;
 - The name of the visitor will be listed per the facility’s or institution’s documentation;
 - The visitor will submit to the search of his or her person or any personal property under his or her control at any time;
 - The visitor and person will not have access to a telephone.
 - Only one visitor may be allowed to meet with the person at a time.