

June 14, 2021

**ILLINOIS HEALTH AND HOSPITAL ASSOCIATION  
M E M O R A N D U M**

**SUBJECT: IHA Summary: Senate Bill 2153 - Nurse Staffing Improvement Act**

This memo summarizes recent state legislation intended to strengthen the existing *Nurse Staffing by Patient Acuity Act*. Senate Bill 2153, the *Nurse Staffing Improvement Act*, passed the General Assembly and is awaiting Governor Pritzker's signature to become law. This bipartisan legislation represents a collaborative effort between the American Nurses Association-Illinois (ANA-IL) and IHA with input from Chief Nursing Officers around the state. The overall intent of the bill is to ensure that direct care nurses have a stronger voice in determining appropriate staffing levels at hospitals, based on the conditions and care needs (acuity) of their patients.

SB 2153 provides a meaningful opportunity to improve quality and patient safety by advancing the partnership between direct care nurses and the hospital community. ANA-IL and IHA support this approach as a meaningful alternative to legislative proposals that would impose unworkable mandatory nurse staffing ratios.

Below is an outline of the changes included in the final bill. Importantly, the provisions of SB 2153 take effect immediately upon being signed into law, which is expected in the next few months. To ensure compliance, it will be imperative that hospitals and health systems review the provisions contained in SB 2153 and begin implementation of these new requirements in the coming weeks and months.

Hospital Nursing Care Committee

- Establishes that the Nursing Care Committee must be comprised of at least 55% nurses who are providing direct inpatient care, and its Co-Chair must be a direct care nurse. Current law requires 50% of members be a direct care nurse, and does not provide guidance on Co-Chair requirements.
- Requires the Nursing Care Committee to prepare and recommend a hospital-wide staffing plan that includes nurse staffing assignments for inpatient areas and emergency departments.
- Requires the Chief Nursing Officer to provide a written explanation of the reasons why a staffing plan developed by the Committee was not adopted by the hospital.
- Requires the Chief Nursing Officer to provide for the committee a written explanation of substantial changes proposed to be made to the plan prior to it being adopted by the hospital.

- Requires the Nursing Care Committee to meet at least six times per year, with reports and information from the committee to be provided to direct care nurses. Under current law, the Committee is required to meet semi-annually.
- Requires the Nursing Care Committee to issue an annual report to the hospital's governing board, including recommendations for future changes to nurse staffing.

#### Staffing Plan Issues and Nurse Concerns

- Requires the Nursing Care Committee, when developing/reviewing the staffing plan, to consider issues such as: patient outcomes; complaints related to staffing; the number of nursing hours provided compared to the number of patients on the unit; aggregate overtime nursing hours worked; and the degree to which actual shifts worked varied from what is provided for in the staffing plan.
- Requires the Nursing Care Committee to issue a report semi-annually that describes the issues considered when developing/reviewing the staffing plan. The report is to be made available to direct inpatient care nurses.
- Requires a mechanism be established for nurses to report variations from the staffing plan with respect to the assignment of nursing personnel. There must also be a process adopted for these reports to be subsequently reviewed and addressed.
- Establishes that retaliation is prohibited against an employee who expresses a concern or complaint regarding a violation of the *Nurse Staffing by Patient Acuity Act* or concerns related to nurse staffing.

#### Compliance and Enforcement

- Authorizes the Illinois Department of Public Health to enforce compliance of these requirements by mandating the submission of a corrective action plan. Fines will be imposed if a hospital engages in a pattern or practice of violations, and violations will be publicly disclosed. The money from these fines will fund scholarships under the Nursing Education Scholarship Law.

#### Addressing Illinois' Nurse Shortage Crisis

- Allows for the appropriation of \$500,000 in nurse scholarships annually from the Hospital Licensure Fund during academic years 2021-2022 through 2024-2025.
- Note that the original version of SB 2153 included a nurse educator tax credit. A prohibited use for American Rescue Plan Act (ARPA) funds included use to fund tax

credits. As a result, all new Illinois tax credits, including the one proposed for nurse educators, was halted this year.

Acuity-based staffing provides a multitude of clinical, workforce, and economic benefits over mandated numerical one-size-fits-all ratios for patients, nurses, and hospitals. IHA and ANA-IL are committed to assisting hospitals and nurse leaders with a successful and sustained implementation of the key provisions of Senate Bill 2153, the *Nurse Staffing Improvement Act*.

Please [contact IHA](#) with your questions and ideas for supportive resources.