



December 14, 2023

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

SUBJECT: Notice to Hospital Nursing Staff of Nurse Staffing by Patient Acuity Requirements (Public Act 103-0211)

Effective Jan. 1, 2024, P.A. 103-0211 requires hospitals to annually notify hospital nursing staff of the protections or rights under the Nurse Staffing by Patient Acuity Act, specified in Section 10.10 of the Hospital Licensing Act. This annual notice to hospital nursing staff must include a phone number and email address to report noncompliance with Section 10.10. The notice must be provided by email or by regular mail in a manner that effectively facilitates receipt of the notice. (210 ILCS 85/10.10).

Hospitals are strongly encouraged to thoroughly review their policies and practices to assure their compliance with the Nurse Staffing by Patient Acuity Act. Increased scrutiny of compliance is likely as unions continue to allege that some hospitals are not complying with the current nurse staffing law as justification to impose mandated nurse staffing ratios.

This memo summarizes the requirements for the new annual notice to hospital nursing staff.

Protections Under the Nurse Staffing by Patient Acuity Act, Section 10.10 of the Hospital Licensing Act:

The Nurse Staffing by Patient Acuity Act, contained in Section 10.10 of the Hospital Licensing Act, provides the following protections or rights to be included in the annual notice to hospital nursing staff:

- a) Every hospital shall implement a written hospital-wide staffing plan, prepared by a Nursing Care Committee (NCC) or committees, that provides for minimum direct care professional registered nurse-to-patient staffing needs for each inpatient care unit, including inpatient emergency departments.
- b) In order to provide staffing flexibility to meet patient needs, every hospital shall identify an acuity model for adjusting the staffing plan for each inpatient care unit.
- c) Each hospital shall implement the staffing plan and assign nursing personnel to each inpatient care unit, including inpatient emergency departments, in accordance with the staffing plan.
- d) A registered nurse may report to the NCC any variations where the nurse personnel assignment in an inpatient care unit is not in accordance with the adopted staffing plan and may make a written report to the NCC based on the variations.

- e) Shift-to-shift adjustments in staffing levels required by the staffing plan may be made by the appropriate hospital personnel overseeing inpatient care operations. If a registered nurse in an inpatient care unit objects to a shift-to-shift adjustment, the registered nurse may submit a written report to the nursing care committee.
- f) The written staffing plan shall be posted, either by physical or electronic means, in a conspicuous and accessible location for direct care staff, as required under the Hospital Report Card Act.
- g) A NCC must semi-annually issue a written report addressing items relevant to the staffing plan. A written copy of this report shall be made available to direct inpatient care nurses by making available a paper copy of the report, distributing it electronically, or posting it on the hospital's website.
- h) No hospital may discipline, discharge, or take any other adverse employment action against an employee solely because the employee expresses a concern or complaint regarding an alleged violation of this Section or concerns related to nurse staffing.
- i) Any employee of a hospital may file a complaint with the Illinois Dept. of Public Health (IDPH) regarding an alleged violation of Section 10.10, Nurse Staffing by Patient Acuity.

The annual notice to hospital nursing staff must also include a phone number and email address for staff to report noncompliance with the above protections. Hospitals may include the internal process to report to its NCC or to another senior leader. Additionally, the notice should inform staff that they may report noncompliance with the nurse staffing requirements to IDPH via email to dph.ccr@illinois.gov or via phone at the Central Complaint Registry Hotline – 800-252-4343. IDPH is responsible for notifying hospitals within 10 business days from when a complaint is filed.

Finally, **the required notice to hospital nursing staff must be provided by email or by regular mail in a manner that effectively facilitates receipt of the notice.** Current law requires each NCC develop semi-annual reports for direct care staff nurses. Hospitals could include the required annual notice as part of one of these reports, so long as it is sent by email or regular mail.

Hospitals that demonstrate a pattern or practice of failing to substantially comply with Section 10.10 of the Hospital Licensing Act or the hospital's written staffing plan will be required to submit a plan of correction and may be subject to monetary fines imposed by IDPH. Additionally, violations of Section 10.10 are subject to public disclosure.

For more information on the Nurse Staffing by Patient Acuity Act, as revised in 2021 by the Nurse Staffing Improvement Act, see IHA's June 14, 2021 memo by [clicking here](#).