

1 TITLE 77: PUBLIC HEALTH
2 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
3 SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES
4

5 PART 245
6 HOME HEALTH, HOME SERVICES,
7 AND HOME NURSING AGENCY CODE
8

9 SUBPART A: GENERAL PROVISIONS
10

11	Section	
12	245.10	Purpose
13	245.20	Definitions
14	245.25	Incorporated and Referenced Materials

15
16 SUBPART B: OPERATIONAL REQUIREMENTS
17

18	Section	
19	245.30	Organization and Administration
20	245.40	Staffing and Staff Responsibilities
21	245.50	Services (Repealed)
22	245.55	Vaccinations
23	245.60	Annual Financial Statement
24	245.70	Home Health Aide Training
25	245.71	Qualifications and Requirements for Home Services Workers
26	245.72	Health Care Worker Background Check
27	245.75	Infection Control

28
29 SUBPART C: LICENSURE PROCEDURES
30

31	Section	
32	245.80	Licensure Required
33	245.90	License Application
34	245.95	License Application Fee, Single or Multiple Licenses
35	245.100	Provisional License
36	245.110	Inspections and Investigations
37	245.115	Complaints
38	245.120	Violations
39	245.130	Adverse Licensure Actions
40	245.140	Penalties and Fines
41	245.150	Hearings

42
43 SUBPART D: CLIENT/PATIENT SERVICES

44
 45 Section
 46 245.200 Services – Home Health
 47 245.205 Services – Home Nursing Agencies
 48 245.210 Services – Home Services Agencies
 49 245.211 Services – Alzheimer's Disease and Related Dementias
 50 245.212 Services – Home Nursing Placement Agency
 51 245.214 Services – Home Services Placement Agency
 52 245.220 Client Service Contracts – Home Nursing and Home Services Agencies
 53 245.225 Client Service Contracts – Home Nursing Placement Agency and Home Services
 54 Placement Agency
 55 245.240 Quality Improvement Program
 56 245.250 Abuse, Neglect, and Financial Exploitation Prevention and Reporting
 57

58 AUTHORITY: Implementing and authorized by the Home Health, Home Services, and Home
 59 Nursing Agency Licensing Act [210 ILCS 55].
 60

61 SOURCE: Adopted at 2 Ill. Reg. 31, p. 77, effective August 2, 1978; emergency amendment at
 62 3 Ill. Reg. 38, p. 314, effective September 7, 1979, for a maximum of 150 days; amended at 3 Ill.
 63 Reg. 40, p. 153, effective October 6, 1979; emergency amendment at 4 Ill. Reg. 18, p. 129,
 64 effective April 21, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 40, p. 56, effective
 65 September 23, 1980; emergency amendment at 6 Ill. Reg. 5855, effective April 28, 1982, for a
 66 maximum of 150 days; amended at 6 Ill. Reg. 11006, effective August 30, 1982; amended at 7
 67 Ill. Reg. 13665, effective October 4, 1983; codified at 8 Ill. Reg. 16829; amended at 9 Ill. Reg.
 68 4836, effective April 1, 1985; amended at 14 Ill. Reg. 2382, effective February 15, 1990;
 69 amended at 15 Ill. Reg. 5376, effective May 1, 1991; amended at 18 Ill. Reg. 2414, effective
 70 January 22, 1994; emergency amendments at 20 Ill. Reg. 488, effective January 1, 1996, for a
 71 maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3273,
 72 effective February 15, 1996; amended at 20 Ill. Reg. 10033, effective July 15, 1996; amended at
 73 22 Ill. Reg. 3948, effective February 13, 1998; amended at 22 Ill. Reg. 22050, effective
 74 December 10, 1998; amended at 23 Ill. Reg. 1028, effective January 15, 1999; amended at 24 Ill.
 75 Reg. 17213, effective November 1, 2000; amended at 25 Ill. Reg. 6379, effective May 1, 2001;
 76 amended at 26 Ill. Reg. 11241, effective July 15, 2002; amended at 28 Ill. Reg. 3487, effective
 77 February 9, 2004; amended at 28 Ill. Reg. 8094, effective May 26, 2004; amended at 29 Ill. Reg.
 78 20003, effective November 28, 2005; amended at 31 Ill. Reg. 9453, effective June 25, 2007;
 79 amended at 32 Ill. Reg. 8949, effective June 5, 2008; amended at 34 Ill. Reg. 5711, effective
 80 April 5, 2010; amended at 39 Ill. Reg. 16406, effective December 10, 2015; amended at 43 Ill.
 81 Reg. 9134, effective August 12, 2019; emergency amendment at 44 Ill. Reg. 5929, effective
 82 March 25, 2020, for a maximum of 150 days; emergency expired August 21, 2020; emergency
 83 amendment at 44 Ill. Reg. 14328, effective August 24, 2020, for a maximum of 150 days;
 84 emergency rule expired January 20, 2021; emergency amendment at 45 Ill. Reg. 1710, effective
 85 January 21, 2021, for a maximum of 150 days; emergency expired June 19, 2021; emergency
 86 amendment at 45 Ill. Reg. 6335, effective May 3, 2021, for a maximum of 150 days; amended at

87 45 Ill. Reg. 11077, effective August 27, 2021; amended at 46 Ill. Reg. 10410, effective May 31,
88 2022; amended at 47 Ill. Reg. 3765, effective March 2, 2023; amended at 47 Ill. Reg. 17468,
89 effective November 8, 2023; amended at 48 Ill. Reg. _____, effective _____.

90
91 SUBPART C: LICENSURE PROCEDURES

92
93 **Section 245.90 License Application**

94
95 a) Initial Application – All Agencies

96
97 1) Any person who desires to obtain a license to operate a home health, home
98 nursing, home services, home nursing placement, or home service
99 placement agency shall file a licensure application with the Department.
100 Any person ~~of~~ⁱⁿ interest, different from the licensee, who desires to
101 conduct, maintain, or operate a home health, home nursing, home services,
102 home nursing placement or home services placement agency shall also file
103 an application for licensure with the Department.

104
105 2) The application shall be accompanied by a Certificate of Insurance
106 documenting minimum liability coverage of \$1 million per occurrence and
107 \$3 million in the aggregate.

108
109 3) Each initial application for licensure shall be on forms provided by the
110 Department, and shall contain, at a minimum, the following information:

111
112 A) *Name, address, and location of the agency;*

113
114 B) *Ownership, organization and governing structure of the agency*
115 including the alternate administrative staff required per Section
116 245.40(a)(11);

117
118 C) The names and addresses of all persons who own at least 5% of the
119 agency and the type of ownership of the agency (for example
120 individual, partnership or corporation). In addition, the corporation
121 shall submit:

122
123 i) A list of the title, name and address of each of its corporate
124 officers;

125
126 ii) A list of the name and address of each of its shareholders
127 holding more than 5% of the shares; and

128
129 iii) Information for the applicant and its officers regarding any

130 conviction of, or plea of guilty to, a felony, or two or more
131 misdemeanors involving moral turpitude during the
132 previous year;

133
134 D) A description of the services to be provided;

135
136 E) A list of the staff of the agency or a list of placement agency
137 registry, including any applicable licensure, registration, or
138 certification and any other *qualifications of the staff* of the agency,
139 and a copy of the job description for all positions used by the
140 agency as required per Section 245.30(c)(1)(D);

141
142 F) *Sources of financing of services* and any other sources of income
143 of the agency;

144
145 G) A description or map of the geographic *service area* in which
146 services are provided by the agency;

147
148 H) *Charges for services* by types of services provided by the agency;
149 ~~and~~

150
151 I) For home health agencies, copies of any *affiliation agreements*
152 *with other health care providers*; (Section 5(a) of the Act)

153
154 J) For home services and home nursing agencies, copies of client
155 service contracts as required per Section 245.220.

156
157 K) For home services placement and home nursing placement
158 agencies, copies of client service contracts and worker contracts as
159 required per Section 245.225.

160
161 L) For all agencies, copies of policies and procedures for the
162 following:

163
164 i) Complaint resolution as required per Section 245.30(b)(3);

165
166 ii) Employee health and safety as required per Section
167 245.30(c)(1)(H) and (I);

168
169 iii) Infection control as required per Section 245.75;
170

- 171 iv) Health care worker background check compliance as
- 172 required per Section 245.72 and mandated reporting
- 173 compliance as required per Section 245.250;
- 174
- 175 v) Supervisory visits of various disciplines as required per
- 176 245.40;
- 177
- 178 vi) Client records management, retention and release
- 179 requirements as required per Section 245.200(h) for home
- 180 health agencies, Section 245.205(g) for home nursing
- 181 agencies, and Section 245.210(j) for home services
- 182 agencies; and
- 183
- 184 vii) Employee training as required per Sections 245.70, 245.71,
- 185 and 245.211.
- 186
- 187 M) Criteria for acceptance of patients and clients as required per
- 188 Section 245.200(d) for home health agencies; 245.205(d) for home
- 189 nursing agencies; and 245.210(d) home services agencies.
- 190
- 191 N) Sample forms to be utilized for service plans as required per
- 192 Section 245.210(e) for home services agencies and plans of
- 193 treatment as required per Section 245.205(e) for home nursing
- 194 agencies and Section 245.200(e) for home health agencies.
- 195
- 196 O) Documents demonstrating the agency is registered with the IDPH
- 197 Web Portal and granted access to the Health Care Worker
- 198 Registry.
- 199

200 b) Renewal Application – All Agencies

- 201
- 202 1) Each licensee shall file a renewal application with the Department not less
- 203 than 60 days, or more than 90 days, prior to the expiration date of the
- 204 licensee's current license. If a licensee does not submit its renewal
- 205 application and fee within 60 days prior to the expiration date, the licensee
- 206 may be fined in accordance with Section 245.140.
- 207
- 208 2) Each renewal application shall be on forms provided by the Department
- 209 and shall contain the information specified in subsection (a)(3).
- 210
- 211 3) Each licensee shall submit information for the licensee and its officers
- 212 regarding any conviction of, or plea of guilty to, a felony, or two or more

213 misdemeanors involving moral turpitude, during the previous year for the
214 licensee and its officers.

215
216 c) Renewal Application – Home Health Agencies
217 Applications for renewal of home health agency licenses shall additionally
218 contain the following information:

219
220 1) *Patient load* data for the preceding year, including the number of patients
221 discharged, the total number of patients who received services, the number
222 of patients over 65 years of age who received services, and the number of
223 patients being served at the end of the year; and

224
225 2) *Agency utilization* data, including the number of patients receiving specific
226 types of services and the number of visits by types of services provided.
227 (Section 5(a) of the Act)

228
229 d) Renewal Application – Home Services, Home Nursing, Home Services Placement
230 and Home Nursing Placement Agencies
231 Applications for renewal shall additionally contain the following information:

232
233 1) Client load data for home services and home nursing for the preceding
234 year, including the number of clients admitted, the number of clients
235 discharged, the number of patients over 65 years of age who received
236 services, and the number of clients being served at the end of the year,
237 with the exception of those clients being served through the Community
238 Care Program of the Illinois Department on Aging, the Department of
239 Human Services Office of Rehabilitation Services, or the United States
240 Department of Veterans Affairs; and

241
242 2) Client data for home services placement and home nursing placement for
243 the preceding year, including the number of placements, the number of
244 placements for clients 65 or older, and the number of clients in process on
245 the last day of the most recent fiscal period.

246
247 e) A home health agency shall be in operation and be able to demonstrate patient
248 activity prior to the second renewal of the agency's license to verify compliance
249 for a renewal of the agency's license. A home services, home nursing, home
250 services placement and home nursing placement agency shall be in operation and
251 be able to demonstrate client activity prior to the second renewal of the agency's
252 license to verify compliance for a renewal of the agency's license.

253

254 f) *An entity that meets the requirements for licensure under the Act and this Part*
255 *may obtain licensure singly or in any combination for the categories authorized*
256 *under the Act and this Part. (Section 4(d) of the Act)*

257
258 ~~g) *One application for licensure shall be used even if a combination of licenses*~~
259 ~~*authorized under the Act and this Part is sought. Applicants for multiple licenses*~~
260 ~~*shall pay the higher of the licensure fees applicable. (Section 4(d) of the Act)*~~

261
262 gh) The Department will review each application. The Department will approve the
263 application and issue an initial or renewal license to the applicant for operation of
264 an agency when it finds that the applicant meets all of the *requirements of the Act*
265 *and this Part. The Department may also issue a provisional license, as provided*
266 *in Section 4 of the Act and Section 245.100, or deny an application, as provided*
267 *in Sections 8 and 9 of the Act and Section 245.130. (Section 4(c) of the Act)*

268
269 (Source: Amended at 48 Ill. Reg. _____, effective _____)
270

271 **Section 245.95 License Application Fee, Single or Multiple Licenses**
272

273 a) *Applicants for multiple licenses under the licensure system set forth in this Part*
274 *shall pay the applicable license fees for each license~~the higher of the licensure~~*
275 ~~*fees applicable. (Section 4(d) of the Act)*~~

276
277 b) A home nursing agency or a home services agency shall pay a licensure fee not to
278 exceed ~~\$1,500~~\$1,500 annually. The fee is not refundable.

279
280 c) A home nursing placement agency or home services placement agency shall pay a
281 licensure fee not to exceed \$500 annually. The fee is not refundable.

282
283 d) For a single home health agency license only, each initial and renewal application
284 shall be accompanied by a *license fee of \$1,500 for a two-year license.*~~\$25.~~
285 (Section 4(c) of the Act) The fee is not refundable.

286
287 e) An applicant for dual licenses as a home services agency and a home services
288 placement agency, or a home nursing agency and a home nursing placement
289 agency, shall operate each licensed agency as a separate entity to meet the
290 requirements of the Act and this Part as an employer of workers and as a
291 placement agency that places individuals.

292
293 (Source: Amended at 48 Ill. Reg. _____, effective _____)
294

295 **Section 245.100 Provisional License**
296

297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339

a) Provisional License for New Agencies

- 1) The Department ~~will~~*shall* *issue a provisional license* to a new agency within 90 days after the receipt of the application provided that the application is in compliance with the requirements of Section 245.90. Incomplete applications may be denied per provisions set forth in Section 245.130(b). A new agency is an agency that meets either of the following circumstances:
 - A) *The applicant for licensure has not previously been licensed; or*
 - B) *The agency is not in operation at the time the application is made. (Section 4(a) of the Act).*
- 2) A provisional license shall be valid for a period of 240 days unless sooner suspended or revoked pursuant to Section 9 of the Act and Section 245.130 of this Part. (Section 4(a) of the Act)
- 3) *Within 30 days prior to the termination of the provisional license, the Department ~~will~~*shall* inspect the agency and, if the applicant substantially meets the requirements for licensure, the Department ~~will~~*shall* issue a license.*
 - A) For home services, home nursing, home services placement, and home nursing placement agencies, this~~This~~ license shall expire one year from the end of the month in which the provisional license was first issued.~~The initial license fee shall be applied to this license. (Section 4(a) of the Act)~~
 - B) For home health agencies, this license shall expire two years from the end of the month in which the provisional license was first issued.
 - C) For all agencies, the initial license fee shall be applied to the provisional license.
- 4) If the Department finds that a holder of a provisional license does not substantially meet the requirements for licensure, but has made significant progress toward meeting those requirements, the Department may renew the provisional license once for a period not to exceed 90 days from the expiration date of the initial provisional license. (Section 4(a) of the Act)

b) Provisional License for Operating Agencies

340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382

1) If an operating agency *does not substantially comply with the provisions of the Act* and this Part, the Department ~~will~~*shall* issue a provisional license, provided that:

A) *The health, safety, and well-being of the patients and/or clients of the agency will be protected during the period for which ~~the~~*such* provisional license is issued* (Section 4(b)(1) of the Act); and

B) The violations of the requirements of the Act and this Part are not serious enough to support adverse licensure action as provided under Sections 8 and 9 of the Act and Section 245.130 of this Part.

2) *The term of a provisional license shall not exceed 120 days. (Section 4(a) of the Act)*

3~~2~~) *When a provisional license is issued to an operating agency, the Department ~~will~~*shall* notify the agency of the issuance of the provisional license. The notice to the agency shall include the following information:*

A) A description of the *manner in which the agency fails to substantially comply with all of the requirements of the Act* and this Part.

B) A description of the *corrections which must be made by the agency to substantially comply with all of the requirements of the Act* and this Part.

C) A specific *time within which the necessary corrections shall be completed* by the agency. (Section 4(b)(2) of the Act)

4) *The Department may extend the term of the provisional license for an additional 120 days, if the Department finds that the agency has made substantial progress toward correcting the violations and bringing the agency into full compliance with the Act and this Part.*

~~e) *A provisional license is valid for 120 days unless sooner suspended or revoked in accordance with Section 9 of the Act and Section 245.130 of this Part. A provisional license will be renewed for an additional 120 days when the Department finds that all of the following conditions exist:*~~

~~1) *The agency does not substantially meet all of the requirements of the Act and this Part.*~~

383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425

- 2) ~~The agency has made significant progress toward correcting deficiencies and bringing the agency into full compliance with the requirements of the Act and this Part.~~
- 3) ~~The health, safety and well-being of the patients and/or clients of the agency will be protected during the period for which the provisional license is extended. (Section 4 of the Act)~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 245.120 Violations

a) Notice of Violation

- 1) *When the Department determines that an agency is in violation of the Act or this Part, a notice of violation shall be served on the licensee. The notice shall be served on the licensee personally or by certified mail. (Section 9.02 of the Act)*
- 2) *If the Department finds that the violation does not pose a substantial risk to the health or safety of the agency's clients or patients, the Department may choose to request a plan of correction for the Department's approval prior to issuing the notice of violation. If the agency fails to submit an acceptable plan of correction or fails to implement a Department-approved plan of correction within the time provided by the Department, the Department will then issue the notice of violation. (Section 9.02 of the Act)*
- 3) *Each notice of violation shall be in writing and shall include:*
 - A) *A description of the nature of the violation.*
 - B) *Citation of the statutory provision or rule alleged to have been violated.*
 - C) *A statement that the agency must submit a plan of correction as provided under Section 9.03 of the Act and subsection (b) of this Section.*
 - D) *A description of additional action the Department may take under the Act, including adverse licensure action under Section 9 of the Act and Section 245.130 of this Part or assessment of a penalty*

426 *under Section 9.04 of the Act and Section 245.140 of this Part.*

427
 428 E) A statement that *the licensee has a right to a hearing* to contest the
 429 violation, as provided in *Section 10* of the Act and Section 245.150
 430 of this Part, and a description of the procedure for requesting a
 431 hearing. (Section 9.02 of the Act)

432
 433 b) Plan of Correction

434
 435 1) In response to the receipt of a notice of violation, *the agency shall file with*
 436 *the Department a written plan of correction. Each plan of correction is*
 437 *subject to the approval of the Department* and shall comply with the
 438 following requirements:

439
 440 A) Be filed with the Department *within 10 days after the agency's*
 441 *receipt of the notice of violation.*

442
 443 B) *State with particularity the method by which the agency intends to*
 444 *correct each violation* specified in the notice of violation.

445
 446 C) *Contain a stated date by which each violation will be corrected.*
 447 (Section 9.03 of the Act)

448
 449 2) The Department will review each plan of correction. If the Department
 450 finds that the plan of correction fails to comply with the requirements in
 451 subsection (b)(1) of this Section, the Department will *reject the plan of*
 452 *correction and notify the licensee of the rejection and the reason for the*
 453 *rejection.* (Section 9.03 of the Act)

454
 455 3) *The agency shall have 10 days after the receipt of a notice of rejection in*
 456 *which to submit a modified plan of correction. The Department will*~~shall~~
 457 *review each modified plan of correction.* (Section 9.03 of the Act)

458
 459 4) The Department ~~will~~~~shall~~ *reject a modified plan* and impose a plan of
 460 correction, which the *agency shall follow*, in any of the following
 461 conditions:

462
 463 A) *The modified plan is not submitted on time.*

464
 465 B) The modified plan fails to resolve the reasons for the rejection of
 466 the plan of correction.

467
 468 C) The modified plan fails to *state with particularity the method by*

469 *which the agency intends to correct each violation specified in the*
470 *notice of violation.*

471
472 D) *The modified plan fails to contain a stated date by which each*
473 *violation will be corrected. (Section 9.03 of the Act)*
474

475 c) Hearing to Contest Violations

476
477 1) *An agency may contest any Department action under this Section by*
478 *sending a written request for a hearing to the Department within 10 days*
479 *after the receipt of the notice of the action being contested, as provided in*
480 *Section 10 of the Act and Section 245.150 of this Part. (Section 9.03(c) of*
481 *the Act)*

482
483 2) *Whenever possible, all action of the Department under this Section arising*
484 *out of a violation shall be contested and determined at a single hearing.*
485 *(Section 9.03(c) of the Act)*

486
487 (Source: Amended at 48 Ill. Reg. _____, effective _____)