Rep. Marcus C. Evans, Jr.

Filed: 3/10/2025

AMENDMENT TO HOUSE BILL 2532

AMENDMENT NO. _____. Amend House Bill 2532 by replacing everything after the enacting clause with the following:

"Section 5. The Nurse Agency Licensing Act is amended by changing Sections 4, 5, and 14.1 as follows:

(225 ILCS 510/4) (from Ch. 111, par. 954)

Sec. 4. Licensing. The Department shall license nurse agencies in accordance with this Act for the protection of the health, welfare and safety of patients and residents. No nurse agency ~~person~~ may lawfully establish, operate, maintain, or advertise ~~as a nurse agency~~ in the State of Illinois unless the nurse agency ~~person~~ is licensed under this Act by the Department of Labor. Being licensed under the Home Health, Home Services, and Home Nursing Agency Licensing Act does not relieve home health agencies that provide nurse agency services from the requirement of obtaining licensure under

this Act. No health care facility shall use the services of an unlicensed nurse agency.

(Source: P.A. 94-379, eff. 1-1-06.)

(225 ILCS 510/5) (from Ch. 111, par. 955)

Sec. 5. Application for license. An application to operate a nurse agency shall be made to the Department on forms provided by the Department. A separate application shall be submitted for each additional location from which a nurse agency is operated. All applications must be under oath and must be accompanied by an equitable application fee which will be set by the Department by rule. A separate license must be obtained for each location from which a nurse agency is operated unless the nurse agency is owned and managed by the same applicant ~~person or persons~~. The Department may impose a fine of up to $500 for the submission of false or misleading information. ~~Submission of false or misleading information is a petty offense punishable by a fine of $500.~~ The application shall contain the following information:

(1) name and address of the person, partnership, corporation or other entity that is the applicant;

(2) if the applicant is a corporation or limited liability company, a copy of its articles of incorporation or organization, a copy of its current bylaws, and the names and addresses of its officers and directors and shareholders owning more than 5% of the corporation's

stock or membership units;

(3) the name and location of premises from which the applicant will provide services;

(4) the names and addresses of the person or persons under whose management or supervision the nurse agency will be operated;

(5) a statement of financial solvency;

(6) a statement detailing the experience and qualifications of the applicant to operate a nurse agency, however, the failure of a nurse agency to demonstrate previous experience to operate an agency does not in and of itself constitute grounds for the denial of a license;

(7) evidence of compliance or intent to comply with State or federal law relating to employee compensation, including but not limited to, social security taxes, State and federal income taxes, workers' compensation, unemployment taxes, and State and federal overtime compensation laws;

(8) evidence of general and professional liability insurance in the amounts of at least $1,000,000 per incident and $3,000,000 in aggregate and workers' compensation coverage for all nurses or certified nursing aides employed, assigned, or referred by the nurse agency to a health care facility;

(8.5) copies of all currently effective contracts with health care facilities; and

(9) any other relevant information which the Department determines is necessary to properly evaluate the applicant and application as required by the Department by rule.

(Source: P.A. 102-946, eff. 7-1-22.)

(225 ILCS 510/14.1)

Sec. 14.1. Investigations; orders; civil penalties.

(a) The Department may at any time, and shall upon receiving a complaint from any interested person, investigate any nurse agency ~~person~~ licensed or applying for a license under this Act suspected of violating any provision of any Section except Section 14.3. The Department shall investigate any nurse agency that ~~person who~~ operates or advertises ~~a nurse agency~~ without being licensed under this Act. The Department shall establish a system of reporting complaints against a nurse ~~health care staffing~~ agency. The Department shall publish on its website how an interested party may submit a complaint of a violation of this Act to the Department. Complaints may be made by an interested party. Complaints against a nurse agency shall be investigated by the Department of Labor. The investigations shall take into consideration the responsibility of health care facilities under Section 12 for supervising nurse agency employees assigned or referred to the facilities. For purposes of this Section, "interested party" means a health care facility,

nurse ~~staffing~~ agency, or an employee of a health care facility or nurse ~~staffing~~ agency.

The Director or his or her authorized representative may examine the premises of any nurse agency, may compel by subpoena, for examination or inspection, the attendance and testimony of witnesses and the production of books, payrolls, records, papers and other evidence in any investigation or hearing, and may administer oaths or affirmations to witnesses.

(b) After appropriate notice and hearing, and if supported by the evidence, the Department may issue and cause to be served on any nurse agency ~~person~~ an order to cease and desist from violation of this Act and to take any further action that is reasonable to eliminate the effect of the violation of any Section except Section 14.3.

Whenever it appears that any nurse agency ~~person~~ has violated a valid order of the Department issued under this Act, the Director may commence an action and obtain from the court an order directing the nurse agency ~~person~~ to obey the order of the Department or be subject to punishment for contempt of court.

The Department may petition the court for an order enjoining any violation of any Section of this Act except Section 14.3.

(c) Any nurse agency that ~~licensee or applicant who~~ violates any provision of this Act or the rules adopted under

this Act shall be subject to a civil penalty of up to $10,000 per occurrence payable to the Department for the purpose of enforcing this Act. Civil penalties may be assessed by the Department in an administrative action and may, if necessary, be recovered in a civil action brought by the Director through the Attorney General of the State of Illinois or the State's attorney of any county in which the violation occurred. The court may order that the civil penalties assessed for violation of this Act, together with any costs or attorney's fees arising out of the action to collect the penalties, be paid to the Department. The fact that the violation has ceased does not excuse any nurse agency ~~person~~ from liability for civil penalties arising from the violation.

(d) Any nurse ~~staffing~~ agency that has been found not to have paid an employee 100% of the hourly wage rate identified in the contract between such nurse ~~staffing~~ agency and health care facility shall be liable to the employee for the actual amount of the underpayment, plus damages of 5% of the amount of the underpayment.

(Source: P.A. 102-946, eff. 7-1-22.)

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