



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4612

Introduced 2/3/2026, by Rep. Suzanne M. Ness

SYNOPSIS AS INTRODUCED:

210 ILCS 9/30.5 new
210 ILCS 9/81 new
210 ILCS 9/135
210 ILCS 35/5.6 new
210 ILCS 35/8.7 new
210 ILCS 40/10.4
210 ILCS 40/10.5 new

Amends the Assisted Living and Shared Housing Act. Provides that an assisted living establishment or a shared housing establishment shall only make referrals to its residents for home services providers that are licensed under the Home Health, Home Services, and Home Nursing Agency Licensing Act. Establishes penalties for violating the referral requirement. Amends the Assisted Living and Shared Housing Act, the Community Living Facilities Licensing Act, and the Life Care Facilities Act to require that the Department of Public Health to distribute to each establishment or facility a one-page, 8.5 by 11 inch public safety announcement flyer in at least 12-point type and that the each establishment or facility post the flyer in a prominent location for all visitors to see. Effective January 1, 2027.

LRB104 18371 BAB 31813 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Findings. The General Assembly finds that:

5 (1) The health, safety, and welfare of residents of
6 assisted living establishments and shared housing
7 establishments are paramount concerns of the General
8 Assembly.

9 (2) Residents of such establishments often rely on
10 referrals from the establishment for necessary home
11 services.

12 (3) Utilizing untrained or unlicensed home services
13 providers poses a significant risk of harm to vulnerable
14 residents, including improper care, neglect, or financial
15 exploitation.

16 (4) Ensuring that all referred home services providers
17 are licensed under the Home Health, Home Services, and
18 Home Nursing Agency Licensing Act is necessary to ensure a
19 minimum standard of competency, training, and
20 accountability.

21 Section 5. The Assisted Living and Shared Housing Act is
22 amended by adding Sections 30.5 and 81 and by changing Section
23 135 as follows:

1 (210 ILCS 9/30.5 new)

2 Sec. 30.5. Referral of licensed home services providers.

3 (a) In this Section, "referral" means the act of directing
4 a resident, verbally or in writing, to a specific,
5 nonaffiliated home services provider agency.

6 (b) An establishment shall only make referrals to its
7 residents for home services providers that are licensed under
8 the Home Health, Home Services, and Home Nursing Agency
9 Licensing Act.

10 (210 ILCS 9/81 new)

11 Sec. 81. Public safety announcement. The Department shall
12 distribute to each establishment a one-page, 8.5 by 11 inch
13 public safety announcement flyer in at least 12-point type.
14 Each establishment shall post the flyer in a prominent
15 location for all visitors to see. The flyer shall, at a
16 minimum, contain the following information:

17 (1) important information about choosing caregivers;

18 (2) an explanation of the differences between licensed
19 and unlicensed home care and home health providers;

20 (3) common risks associated with unlicensed home care
21 and home health providers; and

22 (4) information on how to verify if an agency is
23 licensed through the State of Illinois.

1 (210 ILCS 9/135)

2 Sec. 135. Civil penalties.

3 (a) The Department may assess a civil penalty not to
4 exceed \$5,000 against any establishment subject to this Act
5 for violations of this Act. Each day a violation continues
6 shall be deemed a separate violation.

7 (b) Beginning 180 days after the adoption of rules under
8 this Act, the Department may assess a civil penalty not to
9 exceed \$3,000 against any establishment subject to this Act
10 for caring for a resident who exceeds the care needs defined in
11 this Act. Each day a violation continues shall be deemed a
12 separate violation.

13 (b-5) An establishment that violates Section 30.5 shall be
14 liable for a civil penalty, payable to the Department, of
15 \$1,000 per violation, which shall be recovered in a civil
16 action brought on behalf of the State by the Attorney General
17 in the circuit court of the county in which the violation
18 occurred.

19 (c) The Department is authorized to hold hearings in
20 contested cases regarding appeals of the penalties assessed
21 pursuant to this Section.

22 (Source: P.A. 91-656, eff. 1-1-01.)

23 Section 10. The Community Living Facilities Licensing Act
24 is amended by adding Sections 5.6 and 8.7 as follows:

1 (210 ILCS 35/5.6 new)

2 Sec. 5.6. Referral of licensed home services providers.

3 (a) In this Section, "referral" means the act of directing
4 a resident, verbally or in writing, to a specific,
5 nonaffiliated home services provider agency.

6 (b) A Community Living Facility shall only make referrals
7 to its residents for home services providers that are licensed
8 under the Home Health, Home Services, and Home Nursing Agency
9 Licensing Act.

10 (c) A Community Living Facility that violates this Section
11 shall be liable for a civil penalty, payable to the
12 Department, of \$1,000 per violation, which shall be recovered
13 in a civil action brought on behalf of the State by the
14 Attorney General in the circuit court of the county in which
15 the violation occurred.

16 (210 ILCS 35/8.7 new)

17 Sec. 8.7. Public safety announcement. The Department shall
18 distribute to each Community Living Facility a one-page, 8.5
19 by 11 inch public safety announcement flyer in at least
20 12-point type. Each Community Living Facility shall post the
21 flyer in a prominent location for all visitors to see. The
22 flyer shall, at a minimum, contain the following information:

23 (1) important information about choosing caregivers;

24 (2) an explanation of the differences between licensed
25 and unlicensed home care and home health providers;

1 (3) common risks associated with unlicensed home care
2 and home health providers; and

3 (4) information on how to verify if an agency is
4 licensed through the State of Illinois.

5 Section 15. The Life Care Facilities Act is amended by
6 changing Section 10.4 and by adding Section 10.5 as follows:

7 (210 ILCS 40/10.4)

8 Sec. 10.4. Provision of at-home continuing care.

9 (a) The Department shall adopt rules that:

10 (1) establish standards for providers of at-home
11 continuing care;

12 (2) provide for the certification and registration of
13 providers of at-home continuing care and the annual
14 renewal of certificates of registration;

15 (3) provide for and encourage the establishment of
16 at-home continuing care programs;

17 (4) set minimum requirements for any individual who is
18 employed by or under contract with a provider of at-home
19 continuing care and who will enter a provider of at-home
20 continuing care's subscriber's home to provide at-home
21 continuing care services, including requirements for
22 criminal background checks of such an individual who will
23 have routine, direct access to a subscriber;

24 (5) establish standards for the renewal of

1 certificates of registration for providers of at-home
2 continuing care;

3 (6) establish standards for the number of executed
4 agreements necessary to begin operation as a provider of
5 at-home continuing care;

6 (7) establish standards for when and how a provider of
7 at-home continuing care or a subscriber may rescind an
8 at-home continuing care agreement before at-home
9 continuing care services are provided to the subscriber;

10 (8) allow a subscriber to rescind an agreement for
11 at-home continuing care services at any time if the terms
12 of the agreement violate this Section;

13 (9) establish that a provider may terminate an
14 agreement to provide at-home continuing care services or
15 discharge a subscriber only for just cause; and

16 (10) establish procedures to carry out a termination
17 or discharge under paragraph (9).

18 (b) The Department shall certify and register a person as
19 a provider of at-home continuing care services under this
20 Section if the Department determines that:

21 (1) a reasonable financial plan has been developed to
22 provide at-home continuing care services, including a plan
23 for the number of agreements to be executed before
24 beginning operation;

25 (2) a market for the at-home continuing care program
26 exists;

1 (3) the provider has submitted all proposed
2 advertisements, advertising campaigns, and other
3 promotional materials for the program;

4 (4) the form and substance of all advertisements,
5 advertising campaigns, and other promotional materials
6 submitted are not deceptive, misleading, or likely to
7 mislead; and

8 (5) an actuarial forecast supports the market for the
9 program.

10 (c) A provider may not enter into an agreement to provide
11 at-home continuing care services until the Department issues a
12 preliminary certificate of registration to the provider. An
13 application for a preliminary certificate of registration
14 shall:

15 (1) be filed in a form determined by the Department by
16 rule; and

17 (2) include:

18 (A) a copy of the proposed at-home continuing care
19 agreement; and

20 (B) the form and substance of any proposed
21 advertisements, advertising campaigns, or other
22 promotional materials for the program that are
23 available at the time of filing the application and
24 that have not been filed previously with the
25 Department.

26 (d) The Department shall issue a preliminary certificate

1 of registration to a provider under subsection (c) if the
2 Department determines that:

3 (1) the proposed at-home continuing care agreement is
4 satisfactory;

5 (2) the provider has submitted all proposed
6 advertisements, advertising campaigns, and other
7 promotional materials for the program; and

8 (3) the form and substance of all advertisements,
9 advertising campaigns, and other promotional materials
10 submitted are not deceptive, misleading, or likely to
11 mislead.

12 (e) A person may not provide at-home continuing care
13 services until the Department issues a certificate of
14 registration to the person. An application for a certificate
15 of registration shall:

16 (1) be filed in a form determined by the Department by
17 rule; and

18 (2) include:

19 (A) verification that the required number of
20 agreements has been executed;

21 (B) the form and substance of any proposed
22 advertisements, advertising campaigns, or other
23 promotional materials for the program that are
24 available at the time of filing and that have not been
25 filed previously with the Department; and

26 (C) verification that any other license or

1 certificate required by other appropriate State units
2 has been issued to the provider.

3 (f) The Department shall issue a certificate of
4 registration to a provider under subsection (e) if the
5 Department determines that:

6 (1) the information and documents submitted and
7 application for a preliminary certificate of registration
8 are current and accurate or have been updated to make them
9 accurate;

10 (2) the required agreements have been executed;

11 (3) any other license or certificate required by other
12 appropriate State units has been issued to the provider;

13 (4) the provider has submitted all proposed
14 advertisements, advertising campaigns, and other
15 promotional materials for the program; and

16 (5) the material submitted is not an advertisement,
17 advertising campaign, or other promotional material that
18 is deceptive, misleading, or likely to mislead.

19 If a provider intends to advertise before the Department
20 issues a certificate of registration, the provider shall
21 submit to the Department any advertisement, advertising
22 campaign, or other promotional material before using it.

23 (f-5) In this subsection, "referral" means the act of
24 directing a resident, verbally or in writing, to a specific,
25 nonaffiliated at-home continuing care or other home services
26 provider agency. A facility shall only make referrals to its

1 residents for providers of at-home continuing care, or other
2 home service providers, that are licensed under the Home
3 Health, Home Services, and Home Nursing Agency Licensing Act.
4 In addition to being grounds for discipline under subsection
5 (i), a facility that violates this subsection shall be liable
6 for a civil penalty, payable to the Department, of \$1,000 per
7 violation, which shall be recovered in a civil action brought
8 on behalf of the State by the Attorney General in the circuit
9 court of the county in which the violation occurred.

10 (g) Every 2 years, within 120 days after the end of a
11 provider's fiscal year, a provider shall file an application
12 for a renewal certificate of registration with the Department.
13 The application shall:

14 (A) be filed in a form determined by the
15 Department by rule; and

16 (B) contain any reasonable and pertinent
17 information that the Department requires.

18 (h) The Department shall issue a renewal certificate of
19 registration under subsection (g) if the Department determines
20 that:

21 (1) all required documents have been filed and are
22 satisfactory;

23 (2) any revised agreements for at-home continuing care
24 services meet the Department's requirements;

25 (3) the provider has submitted all proposed
26 advertisements, advertising campaigns, and other

1 promotional materials for the program; and

2 (4) the form and substance of all advertisements,
3 advertising campaigns, and other promotional materials
4 submitted are not deceptive, misleading, or likely to
5 mislead.

6 (i) The Department may deny, suspend, or revoke a
7 preliminary, initial, or renewal certificate of registration
8 under this Section for cause. The Department shall set forth
9 in writing its reasons for a denial, suspension, or
10 revocation. A provider may appeal a denial in writing. Grounds
11 for a denial, suspension, or revocation include, but are not
12 limited to:

13 (1) violation of this Section;

14 (2) violation of a rule adopted by the Department
15 under this Section;

16 (3) misrepresentation; or

17 (4) submission of false information.

18 (Source: P.A. 103-332, eff. 1-1-24; 103-605, eff. 7-1-24.)

19 (210 ILCS 40/10.5 new)

20 Sec. 10.5. Public safety announcement. The Department
21 shall distribute to each facility a one-page, 8.5 by 11 inch
22 public safety announcement flyer in at least 12-point type.
23 Each facility shall post the flyer in a prominent location for
24 all visitors to see. The flyer shall, at a minimum, contain the
25 following information:

- 1 (1) important information about choosing caregivers;
- 2 (2) an explanation of the differences between licensed
- 3 and unlicensed home care and home health providers;
- 4 (3) common risks associated with unlicensed home care
- 5 and home health providers; and
- 6 (4) information on how to verify if an agency is
- 7 licensed through the State of Illinois.

8 Section 99. Effective date. This Act takes effect January

9 1, 2027.