



Rep. Suzanne M. Ness

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10400HB4612ham001

LRB104 18371 BAB 36210 a

1 AMENDMENT TO HOUSE BILL 4612

2 AMENDMENT NO. _____. Amend House Bill 4612 by replacing
3 everything after the enacting clause with the following:

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

1 Home Nursing Agency Licensing Act is necessary to ensure a
2 minimum standard of competency, training, and
3 accountability.

4 Section 5. The Assisted Living and Shared Housing Act is
5 amended by adding Sections 30.5 and 81 as follows:

6 (210 ILCS 9/30.5 new)

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

8 (a) In this Section, "referral" means the act of directing
9 a resident, verbally or in writing, to a specific service
10 provider with whom the establishment does not have a
11 contractual arrangement.

12 (b) An establishment shall only make referrals to its
13 residents for home services providers that are licensed under
14 the Home Health, Home Services, and Home Nursing Agency
15 Licensing Act.

16 (210 ILCS 9/81 new)

17 Sec. 81. Public safety announcement.

18 (a) The Department shall distribute to each establishment
19 and publish on its website a one-page flyer that shall, at a
20 minimum, contain the following information:

21 (1) important information about choosing caregivers;

22 (2) an explanation of the differences between licensed
23 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 (b) The establishment shall provide the flyer to any
6 resident who is referred to home care services or who requests
7 a referral for home care services.

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

10 (210 ILCS 35/5.6 new)

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

12 (a) In this Section, "referral" means the act of directing
13 a resident, verbally or in writing, to a specific service
14 provider with whom the Community Living Facility does not have
15 a contractual arrangement.

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

20 (210 ILCS 35/8.7 new)

21 Sec. 8.7. Public safety announcement. The Department shall
22 distribute to each Community Living Facility and publish on
23 its website a one-page flyer that shall, at a minimum, contain

1 the following information:

2 (1) important information about choosing caregivers;

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

5 (3) common risks associated with unlicensed home care
6 and home health providers; and

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

9 (b) The Community Living Facility shall provide the flyer
10 to any resident who is referred to home care services or who
11 requests a referral for home care services.

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

14 (210 ILCS 40/10.4)

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

16 (a) The Department shall adopt rules that:

17 (1) establish standards for providers of at-home
18 continuing care;

19 (2) provide for the certification and registration of
20 providers of at-home continuing care and the annual
21 renewal of certificates of registration;

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

24 (4) set minimum requirements for any individual who is

1 employed by or under contract with a provider of at-home
2 continuing care and who will enter a provider of at-home
3 continuing care's subscriber's home to provide at-home
4 continuing care services, including requirements for
5 criminal background checks of such an individual who will
6 have routine, direct access to a subscriber;

7 (5) establish standards for the renewal of
8 certificates of registration for providers of at-home
9 continuing care;

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

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

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

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

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

25 (b) The Department shall certify and register a person as
26 a provider of at-home continuing care services under this

1 Section if the Department determines that:

2 (1) a reasonable financial plan has been developed to
3 provide at-home continuing care services, including a plan
4 for the number of agreements to be executed before
5 beginning operation;

6 (2) a market for the at-home continuing care program
7 exists;

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

11 (4) the form and substance of all advertisements,
12 advertising campaigns, and other promotional materials
13 submitted are not deceptive, misleading, or likely to
14 mislead; and

15 (5) an actuarial forecast supports the market for the
16 program.

17 (c) A provider may not enter into an agreement to provide
18 at-home continuing care services until the Department issues a
19 preliminary certificate of registration to the provider. An
20 application for a preliminary certificate of registration
21 shall:

22 (1) be filed in a form determined by the Department by
23 rule; and

24 (2) include:

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

1 (B) the form and substance of any proposed
2 advertisements, advertising campaigns, or other
3 promotional materials for the program that are
4 available at the time of filing the application and
5 that have not been filed previously with the
6 Department.

7 (d) The Department shall issue a preliminary certificate
8 of registration to a provider under subsection (c) if the
9 Department determines that:

10 (1) the proposed at-home continuing care agreement is
11 satisfactory;

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

15 (3) the form and substance of all advertisements,
16 advertising campaigns, and other promotional materials
17 submitted are not deceptive, misleading, or likely to
18 mislead.

19 (e) A person may not provide at-home continuing care
20 services until the Department issues a certificate of
21 registration to the person. An application for a certificate
22 of registration shall:

23 (1) be filed in a form determined by the Department by
24 rule; and

25 (2) include:

26 (A) verification that the required number of

1 agreements has been executed;

2 (B) the form and substance of any proposed
3 advertisements, advertising campaigns, or other
4 promotional materials for the program that are
5 available at the time of filing and that have not been
6 filed previously with the Department; and

7 (C) verification that any other license or
8 certificate required by other appropriate State units
9 has been issued to the provider.

10 (f) The Department shall issue a certificate of
11 registration to a provider under subsection (e) if the
12 Department determines that:

13 (1) the information and documents submitted and
14 application for a preliminary certificate of registration
15 are current and accurate or have been updated to make them
16 accurate;

17 (2) the required agreements have been executed;

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

20 (4) the provider has submitted all proposed
21 advertisements, advertising campaigns, and other
22 promotional materials for the program; and

23 (5) the material submitted is not an advertisement,
24 advertising campaign, or other promotional material that
25 is deceptive, misleading, or likely to mislead.

26 If a provider intends to advertise before the Department

1 issues a certificate of registration, the provider shall
2 submit to the Department any advertisement, advertising
3 campaign, or other promotional material before using it.

4 (f-5) In this subsection, "referral" means the act of
5 directing a resident, verbally or in writing, to a specific
6 service provider with whom the facility does not have a
7 contractual arrangement. A facility shall only make referrals
8 to its residents for providers of at-home continuing care, or
9 other home service providers, that are licensed under the Home
10 Health, Home Services, and Home Nursing Agency Licensing Act.

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

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

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

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

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

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

26 (3) the provider has submitted all proposed

1 advertisements, advertising campaigns, and other
2 promotional materials for the program; and

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

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

14 (1) violation of this Section;

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

17 (3) misrepresentation; or

18 (4) submission of false information.

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

20 (210 ILCS 40/10.5 new)

21 Sec. 10.5. Public safety announcement.

22 (a) The Department shall distribute to each facility and
23 publish on its website a one-page flyer that shall, at a
24 minimum, contain the following information:

25 (1) important information about choosing caregivers;

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

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

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

7 (b) The facility shall provide the flyer to any resident
8 who is referred to home care services or who requests a
9 referral for home care services.

10 Section 99. Effective date. This Act takes effect January
11 1, 2027."