**Section 245.100 Provisional License**

a) Provisional License for New Agencies

1) The Department will *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(b)(1) of the Act)

3) *Within 30 days prior to the termination of the provisional license, the Department* will *inspect the agency and, if the applicant substantially meets the requirements for licensure,* the Departmentwill *issue a license*.

A) For home services, home nursing, home services placement, and home nursing placement agencies, this license shall expire one year from the end of the month in which the provisional license was first issued.

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

1) If an operating agency *does not substantially comply with the provisions of the Act* and this Part, the Department will *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 *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(b)(1) of the Act)

3) *When a provisional license is issued* to an operating agency, the Department will 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) TheDepartment *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. (Section 4(b)(3) of the Act)

(Source: Amended at 48 Ill. Reg. 12368, effective August 5, 2024)