**Section 245.212 Services – Home Nursing Placement Agency**

a) "*Placement agency*" *includes a private employment agency and any other entity that places a worker for private hire by a consumer in that consumer's residence for purposes of providing home services.* (Section 2.12 of the Act) Agencies licensed as home nursing placement agencies are in the business of securing or attempting to secure work for hire for persons seeking work or workers for employers. A placement agency shall not be the employer of the nurse for whom it procures, offers, refers, provides or attempts to provide work. The nurse shall perform services ordered by the client's physician without any direction, control or supervision by the home nursing placement agency with respect to performing the skilled nursing services. Following the placement of the worker with the client, the placement agency shall not have any control of the worker's assignments or duties, or assist the client in the payment of the worker. A placement agency shall not provide ongoing support and administrative management of the client's needs.

1) The maximum duration of a contract shall be no longer than 12 months.

2) The home nursing placement agency may charge only a one-time fee for placement. The home nursing placement agency may allow the client to pay the fee throughout the duration of the contract. An ongoing, continuous client service fee beyond the duration of the contract is prohibited.

b) Actions taken by the placement agency as part of its quality review process as required by Section 245.240(d) shall not be considered an ongoing relationship.

c) Actions taken by a client that fall under Section 245.250(a)(4) shall not be considered an ongoing relationship.

d) A placement agency shall identify itself as a placement agency in all advertisement and marketing materials, including, but not limited to, a statement that the placed nurse is the client's employee and not the placement agency's employee.

e) The placement agency shall require and document that anyone wishing to remain eligible for placement by the agency shall provide, to the agency, a copy of his or her current Illinois Professional RN or LPN license. The placement agency shall contact the Illinois Department of Financial and Professional Regulation to verify that the individual's license is active.

f) The placement agency shall notify the worker both verbally and in writing of the implications of the worker's relationship to the client as the worker's employer. The document shall be printed in no less than 12-point type and shall include at least the following elements in the body or through supporting documents or attachments, indicating the responsible parties for the following:

1) Employer of the licensed worker;

2) Liability for the licensed worker;

3) Payment of wages to the licensed worker;

4) Payment of employment taxes, unemployment insurance, and workers' compensation for the licensed worker;

5) Payment of Social Security taxes for the licensed worker;

6) Day-to-day supervision of the licensed worker;

7) Assignment of duties to the licensed worker;

8) Responsibility for hiring, firing and disciplining the licensed worker; and

9) Provision of equipment or materials for the licensed worker's use in providing services to the consumer.

g) A placement agency shall provide the placed nurse with contact information for the Department on Aging and the Department of Children and Family Services to report abuse, neglect or financial exploitation, and a list of situations for which the client or placed worker shall contact local law enforcement.

(Source: Amended at 39 Ill. Reg. 16406, effective December 10, 2015)