



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2271

Introduced 2/10/2023, by Sen. Omar Aquino

SYNOPSIS AS INTRODUCED:

210 ILCS 55/4	from Ch. 111 1/2, par. 2804
210 ILCS 55/5	from Ch. 111 1/2, par. 2805
210 ILCS 55/7	from Ch. 111 1/2, par. 2807
210 ILCS 55/9.02	from Ch. 111 1/2, par. 2809.02

Amends the Home Health, Home Services, and Home Nursing Agency Licensing Act. Provides that (i) a professional license shall be valid for a period of 240 days (rather than 120 days) unless sooner suspended or revoked, (ii) the Director of Public Health may renew a provisional license once for a period not to exceed 90 days (rather than 120 days) from the expiration date of the initial provisional license, and (iii) the fee for each single home health agency license or any renewal shall be \$1,000 (rather than \$25). Removes language requiring the Department of Public Health to develop and implement one application to be used even if a combination of licenses authorized under the Act is sought. Provides that the Home Health and Home Services Advisory Committee shall be composed of 15 voting members and one nonvoting member (rather than just 15 members). Provides that 2 (rather than one) of the voting members shall be individuals who represent an organization that advocates for consumers, and the nonvoting member shall be a home services worker. Provides that if the Department finds that a violation does not pose a substantial risk to the health or safety of an agency's clients or patients, the Department may choose to request a plan of correction for the Department's approval prior to issuing a notice of violation to the agency. Provides that if the agency fails to submit an acceptable plan of correction or fails to implement a Department-approved plan of correction within the time provided by the Department, the Department shall then issue the notice of violation. Makes other changes.

LRB103 30776 CPF 57263 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 5. The Home Health, Home Services, and Home
5 Nursing Agency Licensing Act is amended by changing Sections
6 4, 5, 7, and 9.02 as follows:

7 (210 ILCS 55/4) (from Ch. 111 1/2, par. 2804)

8 Sec. 4. Types of licenses.

9 (a) If an applicant for licensure has not been previously
10 licensed, or if the home health agency, home services agency,
11 or home nursing agency is not in operation at the time
12 application is made, the Department may issue a provisional
13 license. A provisional license shall be valid for a period of
14 240 ~~120~~ days unless sooner suspended or revoked pursuant to
15 Section 9 of this Act. Within 30 days prior to the termination
16 of a provisional license, the Department shall inspect the
17 agency and, if the applicant substantially meets the
18 requirements for licensure, it shall issue a license under
19 this Section. If the Department finds that a holder of a
20 provisional license does not substantially meet the
21 requirements for licensure, but has made significant progress
22 toward meeting those requirements, the Director may renew the
23 provisional license once for a period not to exceed 90 ~~120~~ days

1 from the expiration date of the initial provisional license.

2 (b)(1) The Director may also issue a provisional license
3 to any licensed agency which does not substantially comply
4 with the provisions of this Act and the rules promulgated
5 hereunder, provided he finds that the health, safety, and
6 well-being of the clients of the agency will be protected
7 during the period for which such provisional license is
8 issued. The term of such provisional license shall not exceed
9 120 days.

10 (2) The Director shall advise the licensee of the
11 conditions under which such provisional license is issued,
12 including the manner in which the licensee fails to comply
13 with the provisions of the Act or rules, and the time within
14 which the corrections necessary for the agency to
15 substantially comply with the Act and rules shall be
16 completed.

17 (3) The Director, at his discretion, may extend the term
18 of such provisional license for an additional 120 days, if he
19 finds that the agency has made substantial progress toward
20 correcting the violations and bringing the agency into full
21 compliance with this Act and the rules promulgated hereunder.

22 (c) An annual license shall be issued to any person
23 conducting or maintaining a home health agency upon receipt of
24 an application and payment of the licensure fee, and when the
25 other requirements of this Act, and the standards, rules and
26 regulations promulgated hereunder, are met. The fee for each

1 single home health agency license or any renewal shall be
2 \$1,000 ~~\$25~~.

3 (d) The Department shall establish, by rule, a system
4 whereby an entity that meets the requirements for licensure
5 may obtain licensure singly or in any combination for the
6 categories authorized under this Act. ~~The Department shall~~
7 ~~develop and implement one application to be used even if a~~
8 ~~combination of licenses authorized under the Act is sought.~~
9 Applicants for multiple licenses under this system shall pay
10 the ~~higher of the licensure fees~~ applicable license fees for
11 each license. Fees collected under this system shall be
12 deposited into the Home Care Services Agency Licensure Fund.

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

14 (210 ILCS 55/5) (from Ch. 111 1/2, par. 2805)

15 Sec. 5. (a) Each application for a provisional license for
16 a home health agency, home services agency, home nursing
17 agency, home services placement agency, or home nursing
18 placement agency ~~provisional license~~ as provided in Section 4
19 shall contain the following information: (1) name, address and
20 location of the agency; (2) organization and governing
21 structure of agency; (3) number and qualification of staff;
22 (4) sources of financing of services and agency; (5) service
23 area; (6) patient load; (7) agency utilization; (8) service
24 charges; (9) affiliation agreements with other health care
25 providers; and (10) such other information as the Department

1 may require.

2 (b) Applications for licenses ~~to be effective on and after~~
3 ~~March 1, 1978,~~ shall be in accordance with departmental
4 regulations.

5 (Source: P.A. 80-804.)

6 (210 ILCS 55/7) (from Ch. 111 1/2, par. 2807)

7 Sec. 7. (a) The Director shall appoint a Home Health and
8 Home Services Advisory Committee composed of 15 voting members
9 and one nonvoting member ~~persons~~ to advise and consult with
10 the Director in the administration of this Act. Five of the
11 appointed voting members shall represent the home health
12 agency profession. Of these 5, one shall represent voluntary
13 home health agencies, one shall represent for-profit home
14 health agencies, one shall represent private not-for-profit
15 home health agencies, one shall represent institution-based
16 home health agencies, and one shall represent home health
17 agencies operated by local health departments. Four of the
18 appointed voting members shall represent the home services
19 agency profession. Four of the appointed voting members shall
20 represent the general public in the following categories: one
21 individual who is a consumer of home health services or a
22 family member of a consumer of home health services; one
23 individual who is a consumer of home services or a family
24 member of a consumer of home services; and two individuals who
25 represent an ~~one individual who is a home services worker; and~~

1 ~~one individual who is a representative of an~~ organization that
2 advocates for consumers. One voting member shall be a
3 practicing Illinois licensed physician; and one voting member
4 shall be an Illinois registered professional nurse with home
5 health agency experience. The nonvoting member shall be a home
6 services worker. The recommendations of professional, home
7 health industry, and home services industry organizations may
8 be considered in selecting individuals for appointment to the
9 Home Health and Home Services Advisory Committee.

10 (b) Each member shall hold office for a term of 3 years,
11 except that any member appointed to fill a vacancy occurring
12 prior to the expiration of the term for which his predecessor
13 was appointed shall be appointed for the remainder of such
14 term and the terms of office of the members first taking office
15 shall expire, as designated at the time of appointment, one at
16 the end of the first year, one at the end of the second year,
17 and 3 at the end of the third year. The term of office of each
18 of the original appointees shall commence on January 1, 1978.

19 (c) The term of office of each of the 6 members appointed
20 to the Committee as a result of this amendatory Act of 1989
21 shall commence on January 1, 1990. The terms of office of the 6
22 members appointed as a result of this amendatory Act of 1989
23 shall expire, as designated at the time of appointment, 2 at
24 the end of the first year, 2 at the end of the second year, and
25 two at the end of the third year.

26 (d) The Committee shall meet as frequently as the Director

1 deems necessary. Committee members, while serving on business
2 of the Committee, shall receive actual and necessary travel
3 and subsistence expenses while so serving away from their
4 places of residence.

5 (e) The Committee shall provide input and recommendations
6 to the Department on the development of rules for the
7 licensure of home services agencies and home nursing agencies
8 operating in this State. On or before July 1, 2007, the
9 Committee shall issue an interim report to the General
10 Assembly on the status of development and implementation of
11 the rules for home services agency and home nursing agency
12 licensure.

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

14 (210 ILCS 55/9.02) (from Ch. 111 1/2, par. 2809.02)

15 Sec. 9.02. When the Department determines that an agency
16 is in violation of this Act or any rule promulgated hereunder,
17 a notice of violation shall be served upon the licensee.
18 However, if the Department finds that the violation does not
19 pose a substantial risk to the health or safety of the agency's
20 clients or patients, the Department may choose to request a
21 plan of correction for the Department's approval prior to
22 issuing the notice of violation. If the agency fails to submit
23 an acceptable plan of correction or fails to implement a
24 Department-approved plan of correction within the time
25 provided by the Department, the Department shall then issue

1 the notice of violation. Each notice of violation shall be
2 prepared in writing and shall specify the nature of the
3 violation and the statutory provision or rule alleged to have
4 been violated. The notice shall inform the licensee of any
5 action the Department may take under this Act, including the
6 requirement of an agency plan of correction under Section
7 9.03, assessment of a penalty under Section 9.04, or licensure
8 action under Section 9. The Director or his designee shall
9 also inform the licensee of rights to a hearing under Section
10 10.

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