

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 Nursing  
5 Agency Licensing Act is amended by changing Section 2.11 as  
6 follows:

7 (210 ILCS 55/2.11)

8 Sec. 2.11. "Home nursing agency" means an agency that  
9 provides services directly, or acts as a placement agency, in  
10 order to deliver skilled nursing and home health aide services  
11 to persons in their personal residences. A home nursing agency  
12 provides services that would require a licensed nurse to  
13 perform. Home health aide services are provided under the  
14 direction of a registered professional nurse or Advanced  
15 Practice nurse. A home nursing agency does not require ~~qualify~~  
16 ~~for~~ licensure as a home health agency under this Act. "Home  
17 nursing agency" does not include an individually licensed nurse  
18 acting as a private contractor or a person that provides or  
19 procures temporary employment in health care facilities, as  
20 defined in the Nurse Agency Licensing Act.

21 Notwithstanding any other rulemaking authority that may  
22 exist, neither the Governor nor any agency or agency head under  
23 the jurisdiction of the Governor has any authority to make or

1 promulgate rules to implement or enforce the provisions of this  
2 amendatory Act of the 95th General Assembly. If, however, the  
3 Governor believes that rules are necessary to implement or  
4 enforce the provisions of this amendatory Act of the 95th  
5 General Assembly, the Governor may suggest rules to the General  
6 Assembly by filing them with the Clerk of the House and  
7 Secretary of the Senate and by requesting that the General  
8 Assembly authorize such rulemaking by law, enact those  
9 suggested rules into law, or take any other appropriate action  
10 in the General Assembly's discretion. Nothing contained in this  
11 amendatory Act of the 95th General Assembly shall be  
12 interpreted to grant rulemaking authority under any other  
13 Illinois statute where such authority is not otherwise  
14 explicitly given. For the purposes of this amendatory Act of  
15 the 95th General Assembly, "rules" is given the meaning  
16 contained in Section 1-70 of the Illinois Administrative  
17 Procedure Act, and "agency" and "agency head" are given the  
18 meanings contained in Sections 1-20 and 1-25 of the Illinois  
19 Administrative Procedure Act to the extent that such  
20 definitions apply to agencies or agency heads under the  
21 jurisdiction of the Governor.

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

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.