

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 Sections 2.08, 6.3,
6 and 6.7 as follows:

7 (210 ILCS 55/2.08)

8 Sec. 2.08. "Home services agency" means an agency that
9 provides services directly, or acts as a placement agency, for
10 the purpose of placing individuals as workers providing home
11 services for consumers in their personal residences. "Home
12 services agency" does not include agencies licensed under the
13 Nurse Agency Licensing Act, the Hospital Licensing Act, the
14 Nursing Home Care Act, or the Assisted Living and Shared
15 Housing Act and does not include an agency that limits its
16 business exclusively to providing housecleaning services.
17 Programs providing services exclusively through the Community
18 Care Program of the Illinois Department on Aging, ~~or~~ the
19 Department of Human Services Office of Rehabilitation
20 Services, or the United States Department of Veterans Affairs
21 are not considered to be a home services agency under this Act.
22 (Source: P.A. 94-379, eff. 1-1-06.)

1 (210 ILCS 55/6.3)

2 Sec. 6.3. Home services agencies; standards; fees.

3 (a) Before January 1, 2008, the Department shall adopt
4 standards for the licensure and operation of home services
5 agencies operated in this State. The structure of the standards
6 shall be based on the concept of home services and its focus on
7 assistance with activities of daily living, housekeeping,
8 personal laundry, and companionship being provided to an
9 individual intended to enable that individual to remain safely
10 and comfortably in his or her own personal residence. As home
11 services do not include services that would be required to be
12 performed by an individual licensed under the Nurse Practice
13 Act, the standards shall be developed from a similar concept.
14 After consideration and recommendations by the Home Health and
15 Home Services Advisory Committee, the Department shall adopt
16 such rules and regulations as are necessary for the proper
17 regulation of home services agencies. Requirements for
18 licensure as a home services agency shall include the
19 following:

20 (1) Compliance with the requirements of the Health Care
21 Worker Background Check Act.

22 (2) Notification, in a form and manner established by
23 the Department by rule, to home services workers and
24 consumers as to the party or parties responsible under
25 State and federal laws for payment of employment taxes,
26 social security taxes, and workers' compensation,

1 liability, the day-to-day supervision of workers, and the
2 hiring, firing, and discipline of workers with the
3 placement arrangement for home services.

4 (3) Compliance with rules, as adopted by the
5 Department, in regard to (i) reporting by the licensee of
6 any known or suspected incidences of abuse, neglect, or
7 financial exploitation of an eligible adult, as defined in
8 the Elder Abuse and Neglect Act, by a home services worker
9 employed by or placed by the licensee or (ii) reports to a
10 law enforcement agency in connection with any other
11 individual protected under the laws of the State of
12 Illinois.

13 (4) Compliance with rules, as adopted by the
14 Department, addressing the health, safety, and well-being
15 of clients receiving home services.

16 (b) The Department may establish fees for home services
17 agency licensure in rules in a manner that will make the
18 program self-supporting. The amount of the licensure fees shall
19 be based on the funding required for operation of the licensure
20 program. Notwithstanding any other provision of this Section,
21 the Department may not charge any fee to a certified local
22 health department in connection with the licensure of a home
23 services agency.

24 (Source: P.A. 94-379, eff. 1-1-06; 95-639, eff. 10-5-07.)

25 (210 ILCS 55/6.7)

1 Sec. 6.7. Home nursing agencies; standards; fees.

2 (a) Before January 1, 2008, the Department shall adopt
3 standards for the licensure and operation of home nursing
4 agencies operated in this State. After consideration and
5 recommendations by the Home Health and Home Services Advisory
6 Committee, the Department shall adopt such rules as are
7 necessary for the proper regulation of home nursing agencies.
8 Requirements for licensure as a home nursing agency shall
9 include the following:

10 (1) Compliance with the requirements of the Health Care
11 Worker Background Check Act.

12 (2) Notification, in a form and manner established by
13 the Department by rule, to home nursing agency workers and
14 consumers as to the party or parties responsible under
15 State and federal laws for payment of employment taxes,
16 social security taxes, and workers' compensation,
17 liability, the day-to-day supervision of workers, and the
18 hiring, firing, and discipline of workers with the
19 placement arrangement for home nursing services.

20 (3) Compliance with rules, as adopted by the
21 Department, in regard to (i) reporting by the licensee of
22 any known or suspected incidences of abuse, neglect, or
23 financial exploitation of an eligible adult, as defined in
24 the Elder Abuse and Neglect Act, by a home nursing care
25 worker employed by or placed by the licensee or (ii)
26 reports to a law enforcement agency in connection with any

1 other individual protected under the laws of the State of
2 Illinois.

3 (4) Compliance with rules, as adopted by the
4 Department, addressing the health, safety, and well-being
5 of clients receiving home nursing services.

6 (b) The Department may establish fees for home nursing
7 agency licensure in rules in a manner that will make the
8 program self-supporting. The amount of the licensure fees shall
9 be based on the funding required for the operation of the
10 licensure program. Notwithstanding any other provision of this
11 Section, the Department may not charge any fee to a certified
12 local health department in connection with the licensure of a
13 home nursing agency.

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

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.