

AN ACT concerning regulation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Home Health, Home Services, and Home Nursing Agency Licensing Act is amended by changing Sections 4, 5, 7, and 9.02 as follows:

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

Sec. 4. Types of licenses.

(a) If an applicant for licensure has not been previously licensed, or if the home health agency, home services agency, or home nursing agency is not in operation at the time application is made, the Department may issue a provisional license. A provisional license shall be valid for a period of 240 ~~120~~ days unless sooner suspended or revoked pursuant to Section 9 of this Act. Within 30 days prior to the termination of a provisional license, the Department shall inspect the agency and, if the applicant substantially meets the requirements for licensure, it shall issue a license under this Section. 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 Director may renew the provisional license once for a period not to exceed 90 ~~120~~ days

from the expiration date of the initial provisional license.

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

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

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

(c) A 2-year ~~An annual~~ license shall be issued to any person conducting or maintaining a home health agency upon receipt of an application and payment of the licensure fee, and when the other requirements of this Act, and the standards, rules and regulations promulgated hereunder, are

met. The fee for each single home health agency license or any renewal shall be \$1,500 ~~\$25~~.

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

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

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

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

may require.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 9.02. When the Department determines that an agency is in violation of this Act or any rule promulgated hereunder, a notice of violation shall be served upon the licensee. However, if the Department finds that the violation does not pose a substantial risk to the health or safety of the agency's clients or patients, the Department may choose to request a plan of correction for the Department's approval prior to issuing the notice of violation. 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. Each notice of violation shall be prepared in writing and shall specify the nature of the violation and the statutory provision or rule alleged to have been violated. The notice shall inform the licensee of any action the Department may take under this Act, including the requirement of an agency plan of correction under Section 9.03, assessment of a penalty under Section 9.04, or licensure action under Section 9. The Director or his designee shall also inform the licensee of rights to a hearing under Section 10.

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