**Section 245.80 Licensure Required**

a) *No person shall open, manage, conduct or maintain a home health agency without a license issued by the Department.* (Section 3 of the Act)

b) *On and after September 1, 2008, no person shall open, manage, conduct, or maintain a home services agency, or advertise himself or herself as a home services agency or as offering services that would be included in the definition of home services or a home services agency, without a license issued by the Department.* (Section 3.3 of the Act)

c) *On and after September 1, 2008, no person shall open, manage, conduct, or maintain a home nursing agency, or advertise himself or herself as a home nursing agency or as offering services that would be included in the definition of a home nursing agency, without a license issued by the Department.* (Section 3.7 of the Act)

d) License Nontransferable

1) Each license shall be issued only for the specific agency named in the application and shall not be transferred or assigned to any other person, agency or corporation.

2) Sale, assignment, lease or other transfer, voluntary or involuntary, shall require a new license by the new owner prior to maintaining, operating or conducting an agency.

3) In the case of agencies operating under a franchise arrangement, each unique business entity shall obtain and maintain a distinct license and shall not share licensure based on franchised name status.

4) A licensee shall notify the Department in writing at least 30 days in advance of any intention to:

A) Change ownership; or

B) Sell its agency.

5) A change of ownership happens when one of the following transactions occurs:

A) In an unincorporated sole proprietorship, when the property is transferred to another party;

B) A material change in a partnership that is caused by the removal, addition or substitution of a partner;

C) In a corporation, when the provider corporation merges into another corporation, or the consolidation of two or more corporations, one of which is the licensee, resulting in the creation of a new corporation;

D) The transfer of any corporation stock that results in a change of the person or persons who control the agency; or

E) The transfer of any stock in excess of 75 percent of the outstanding stock.

6) Pursuant to subsection (d)(5)(C), the transfer of corporate stock or the merger of another corporation into the licensee corporation does not constitute a change of ownership if the licensee corporation remains in existence. In these transactions, the name of the corporation, its officers, its independent subsidiaries, and any other relevant information that the Department may require shall be made available to the Department upon request.

7) If a sale of an agency causes a change in the person or persons who control or operate the agency, the agency is considered a new agency, and the licensee shall apply for a new license and shall comply with this Part and any other applicable State and federal rules.

8) Whenever ownership of an agency is sold from the person or organization named on the license to another person or organization, the new owner shall apply for a new license. The new owner shall file an application for license on the renewal/change of ownership application at least 30 days prior to the sale.

9) The Department shall issue a new license to a new owner who meets the requirements for licensure under this Part. The transactions described in this Section shall not be complete until the Department issues a new license to the new person, legal entity or partnership. The former licensee shall return its license to the Department by certified mail.

e) Each license shall be for a term of one year and shall expire one year from the date of issuance. However, initial licenses shall expire one year from the end of the month in which the initial license was issued.

f) Out-of-State Agencies. A license is required for any agency providing care in Illinois, or functioning in a capacity of matching workers with clients or consumers for home nursing or home service care, including internet matching services where the parent agency is domiciled in a state other than Illinois. In these cases, the following conditions shall be met:

1) The licensee shall be registered to do business in Illinois under the Business Corporation Act of 1983 or otherwise authorized to do business in Illinois.

2) The licensee shall have an office in Illinois.

3) All professional care supervisory and staff personnel caring for patients or clients residing in Illinois shall be subject to any licensure, certification or registration that is required to perform the respective service in Illinois, and shall be so licensed, certified or registered.

g) The licensee shall notify the Department in writing not less than 30 days prior to closing the agency or a branch office, if applicable.

1) The licensee shall include in the written notice the reasons for closing, the location of patient or client records, and the name and address for the custodian of the client and patient records.

2) If the licensee closes with an active client or patient roster, the licensee shall transfer a copy of the record with the client or patient to the receiving agency to ensure continuity of care and services. The licensee shall provide the Department with the name of the receiving agency for each client or patient.

3) The licensee shall surrender the initial license or renewal license to the Department via certified mail at the end of the day that services cease (not applicable for a branch closure).

h) A licensee shall notify the Department within 10 days after any change to the following information (this requirement also applies to change at branch locations):

1) Agency name;

2) Agency manager/administrator;

3) Agency supervising nurse (this applies to home health and home nursing agencies only);

4) Agency physical address;

5) Agency mailing address;

6) Agency changes in operating hours;

7) Agency phone number;

8) Agency fax number; or

9) Agency email.

i) A licensee shall request Department approval for any change to the following information (this requirement also applies to change at branch locations):

1) Addition or removal of agency service categories for home health; or

2) Expansion or reduction of agency's geographic service area.

j) *Any agency conducted by and for the adherents of any well recognized church or religious denomination for the purpose of providing services for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of such church or religious denomination* is not subject to licensure. (Section 13 of the Act)

k) Branch Offices and Drop-Sites. A licensee may have multiple physical locations within their geographical service area under the supervision of the parent agency as approved by the Department.

1) A branch office shall be part of the agency and shall be located close (but not more than 100 miles from the parent office location) and shall provide the same services as the parent office within a portion of the total geographic area served by the parent office. All branch offices shall meet the following requirements:

A) Lines of authority and administrative control shall be clearly delineated in both organizational structure and in practice and shall be traceable to the parent office. The parent office may appoint an effective full time branch supervisor or manager if this individual is and remains under the supervision of the parent agency office administrator/agency manager;

B) The agency's parent office administrator/agency manager shall be responsible for the ongoing management of the branch office staff and client and patient services provided by the branch office;

C) The administrator/agency manager of the parent agency shall provide supervision during all operating hours of the agency's branch office;

D) The agency's parent office shall maintain current personnel records for all staff;

E) The agency's parent office and branch office shall communicate regarding client and patient services;

F) The agency's parent office shall be responsible for contracted services;

G) The agency's parent office shall monitor all clinical and administrative activities of the branch office and shall include all branch office locations in quality assurance and improvement reviews;

H) The agency's parent office is responsible for ongoing training for all staff; and

I) The agency's parent office administrator, supervising nurse, or agency manager shall conduct an on-site supervisory visit to the branch office at least monthly. All supervisory visits must be documented and include the date of the visit, the content of the consultation, the individuals in attendance, and any recommendations made to the staff at the branch location.

2) A drop-site location is distinct from a branch office and is prohibited from the following:

A) Having designated staff; and

B) Assigning orders, accepting client and patient referrals, conducting payroll or billing activities, or storing files (client or personnel). A drop-site location cannot be advertised under the parent license.

l) Failure to comply with the requirements in subsection (k) may result in fines of up to $100.00 per day pursuant to Section 245.140 or requirement of a separate license for the secondary location.

(Source: Amended at 47 Ill. Reg. 17468, effective November 8, 2023)