**Section 245.210 Services – Home Services Agencies**

a) Agencies licensed as home services agencies shall provide non-medical services, which may be provided directly by agency staff or through a contractual purchase of services, that are intended to assist clients with activities of daily living. Services may include, but are not limited to, activity of daily living support, personal care, medication reminding, housekeeping services, personal laundry, cooking, shopping, assistance in getting to and from appointments, maintenance of household records, and companionship. Each agency shall maintain a listing of the types of services offered by the agency, and the scope of the work to be provided under each area, which the agency shall distribute to clients before contracting with the client, with the signed contract, and when changes occur.

b) If the agency provides services under contractual arrangements with a third party, it shall have a written agreement that includes, but is not limited to, the following:

1) A detailed description of the services to be provided;

2) Provisions for adherence to all applicable agency policies and personnel requirements, including requirements for initial health evaluations and employee health policies, and criminal background checks if applicable;

3) Designation of full responsibility for agency control over contracted services;

4) Procedures for submitting clinical and progress notes;

5) Charges for contracted services;

6) A statement of responsibility of liability and insurance coverage (employment, workers' compensation) and taxes, including employment and Social Security taxes;

7) The period of time the written agreement is in effect;

8) Date and signatures of appropriate authorities; and

9) Provisions for termination of services.

c) When services are provided to clients by a home services agency, there shall be a written contractual agreement between the client and the agency that includes, but is not limited to:

1) Indication and assurance of compliance by the agency with the requirements of the Act, including the Health Care Worker Background Check Act;

2) Identification of parties responsible for payment of employment taxes, Social Security taxes, and workers' compensation;

3) Information on the parties responsible for supervising workers, as well as hiring, firing and discipline of in-home services workers;

4) Identification of the charges to be paid, payment schedule, and to whom the client, or person acting on behalf of the client, is to make payments for services under the contract;

5) Time period for the contractual arrangement and conditions for termination of the contract; and

6) Contact information for the client to use in case of concerns, complaints, or questions on care to be provided.

d) Acceptance of Clients. Home services agencies shall develop and follow policies on acceptance and discharge of clients, which shall include, but not be limited to, the following:

1) Persons shall be accepted for service on the basis of their desire or need for assistance with household or personal support or companionship services. A home services agency shall not provide medical services that would be performed by an agency licensed as a home health agency or home nursing agency.

2) The agency may accept a client who requires complete repositioning and where the client is unable to assist either verbally, non-verbally (including non-verbal indications and cues), or through others (i.e., a bed-ridden client who requires complete assistance to reposition in bed every two hours with no ability to provide any verbal or non-verbal indications and cues that repositioning may be needed) only when the following conditions are met:

A) The home services worker shall have been trained in the indications of and the procedures for positioning and repositioning a client in the above situation;

B) The client's representative shall be able to assist with the positioning or repositioning, either directly or by providing ongoing feedback, including indications of potential harm or discomfort, to the home services workers through either verbal or non-verbal indications and cues if the client representative is present when the position needs to be changed; and

C) The agency shall have conducted a competency evaluation of the worker that confirms competency with the indications of and the procedures for positioning and repositioning a client in the above situation.

3) No person shall be refused services based on *actual or perceived race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service* [775 ILCS 5/1-103(Q)].

4) When services are terminated by the agency, the client is to be notified at least seven working days in advance of the date of termination, with a stated reason for the termination. This information shall be maintained in the client record. The seven-day notice requirement is not applicable in cases in which the worker's safety is at risk. In these cases, the agency may notify the client of termination of services and the reason for termination. Documentation of the risk to the provider shall be maintained in the client record.

5) The acceptance of the client for non-medical services shall be based on the following documented information, in consultation with the client and the client's appropriate family members or representative:

A) Any functional limitations of the client and the relevance of the limitation to the services requested; and

B) Any circumstances that may have an impact on activity or involvement by the client, such as basic information on medications being taken, treatments received, client's physical activity, diet and mental status in relation to the services requested.

e) Service Plan. The agency shall establish a plan for each client, in consultation with agency staff, the client, or the client's representative or Power of Attorney (if applicable), or members of the client's family (at the request of the client, client's representative, or client's Power of Attorney), that outlines the services to be provided to the client. The plan shall address and include, but not be limited to:

1) Client care regimen including:

A) Assistance with ADLs and in-home support services (see Section 245.20), which may include staff responsibilities outlined in Section 245.40(c)(4)(A) through (P);

B) Medication reminders (frequency and time of day);

C) Information on treatments being received;

D) Activity;

E) Diet;

F) Functional limitations and specific procedures considered essential for the health and safety of the client;

G) Mental health status; and

H) Frequency of the home service worker visits.

2) Equipment required

3) Client limitations

4) The service plan shall not include services outside the scope of work for a home services worker as provided in Section 245.40(c)(4)(A) through (P).

f) Physician signature is not required for the plan of service developed under this Section.

g) The service plan shall be reviewed and revised as necessary, but not less than once annually.

h) Client Records. A client record shall be maintained for each client receiving in-home services. The record shall contain:

1) Appropriate identifying information for the client, including the client's name, address and telephone numbers;

2) The name, telephone numbers and address of the client's representative, if applicable;

3) The name, telephone numbers and address of an individual or relative to be contacted in an emergency;

4) The plan of services agreed to by the client and agency;

5) A copy of the client home care services agreement or contract; and

6) Documentation by the home services worker of each of the services provided at each visit.

i) Each agency shall have a written policy on records procedures and shall retain records for a minimum of two years beyond the last date of service provided. The agency may utilize hard copies or an electronic format. Each agency shall have written policies and procedures for records maintenance and shall retain records for a minimum of two years beyond the last date of service provided. The procedures may include that the agency will use and maintain faxed copies of records, rather than original records, provided that faxed copies shall be maintained on non-thermal paper and that the original records will be maintained for a period of two years by the originating entity.

j) Each agency shall have a written policy for protecting the confidentiality of patient records that explains the use of records, removal of records, and release of information.

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