**Section 245.214 Services – Home Services Placement Agency**

a) "Placement agency" *includes a private employment agency and any other entity that places a worker for private hire by a consumer in that consumer's residence for purposes of providing home services.* (Section 2.12 of the Act) Agencies licensed as home services placement agencies are in the business of securing or attempting to secure work for hire for persons seeking work or workers for employers. A placement agency shall not be the employer of a home services worker for whom it procures, offers, refers, provides or attempts to provide work. The home services worker shall perform services pursuant to Section 245.71 without any direction, control or supervision exercised by the home services placement agency with respect to performing the home services work. Following the placement of the worker with the client, the placement agency shall not have any control of the worker's assignments or duties, or assist the client in the payment of the worker. A placement agency shall not provide ongoing support and administrative management of the client's needs.

1) The maximum duration of a contract shall be no longer than 12 months.

2) The home services placement agency may charge only a one-time fee for placement. The home services placement agency may allow the client to pay the fee throughout the duration of the contract. An ongoing, continuous client service fee beyond the duration of the contract is prohibited.

b) Actions taken by the placement agency as part of its quality review process (required by Section 245.240(d)) shall not be considered an ongoing relationship.

c) Actions taken by a client that fall under Section 245.250(a)(4) shall not be considered an ongoing relationship.

d) A placement agency shall identify itself as a placement agency in all advertisement and marketing materials, including, but not limited to, a statement that the placed home services worker is the client's employee and not the placement agency's employee.

e) The placement agency shall require and document that:

1) An individual wishing to remain eligible for placement by the agency has submitted to a health care worker background check and is active on the Department's Health Care Worker Registry;

2) Anyone wishing to remain eligible for placement by the agency shall provide proof of eight hours of training pursuant to Section 245.71(d) of this Part prior to his or her first placement; and

3) Anyone wishing to remain eligible for placement by the agency, even after an initial placement, shall provide proof of a minimum of eight hours of in-service training per year.

f) The placement agency shall notify the worker both verbally and in writing of the implications of his or her relationship to the client as his or her employer. The document shall be printed in no less than 12-point type and shall include at least the following elements in the body or through supporting documents or attachments, indicating the responsible parties for the following:

1) Employer of the in-home services worker;

2) Liability for the in-home services worker;

3) Payment of wages to the in-home services worker;

4) Payment of employment taxes, unemployment insurance, and workers' compensation for the in-home services worker;

5) Payment of Social Security taxes for the in-home services worker;

6) Day-to-day supervision of the in-home services worker;

7) Assignment of duties to the in-home services worker;

8) Responsibility for hiring, firing and disciplining the in-home services worker;

9) Provision of equipment or materials for the in-home services worker's use in providing services to the consumer; and

10) All worker placement fees, which shall be payable to the placement agency, and procedures for refunds of fees and a complaint resolution process for disputes concerning placement fees, which shall comply with the Private Employment Agency Act.

g) A placement agency shall provide the placed worker with contact information for the Department on Aging and the Department of Children and Family Services to report abuse, neglect or financial exploitation, and a list of situations for which the client and/or placed worker shall contact local law enforcement.

(Source: Amended at 39 Ill. Reg. 16406, effective December 10, 2015)