



Sen. Omar Aquino

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10200HB4666sam001

LRB102 24163 AMQ 38859 a

1 AMENDMENT TO HOUSE BILL 4666

2 AMENDMENT NO. _____. Amend House Bill 4666 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be
9 exempt from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical

1 records received by the Experimental Organ Transplantation
2 Procedures Board and any and all documents or other
3 records prepared by the Experimental Organ Transplantation
4 Procedures Board or its staff relating to applications it
5 has received.

6 (d) Information and records held by the Department of
7 Public Health and its authorized representatives relating
8 to known or suspected cases of sexually transmissible
9 disease or any information the disclosure of which is
10 restricted under the Illinois Sexually Transmissible
11 Disease Control Act.

12 (e) Information the disclosure of which is exempted
13 under Section 30 of the Radon Industry Licensing Act.

14 (f) Firm performance evaluations under Section 55 of
15 the Architectural, Engineering, and Land Surveying
16 Qualifications Based Selection Act.

17 (g) Information the disclosure of which is restricted
18 and exempted under Section 50 of the Illinois Prepaid
19 Tuition Act.

20 (h) Information the disclosure of which is exempted
21 under the State Officials and Employees Ethics Act, and
22 records of any lawfully created State or local inspector
23 general's office that would be exempt if created or
24 obtained by an Executive Inspector General's office under
25 that Act.

26 (i) Information contained in a local emergency energy

1 plan submitted to a municipality in accordance with a
2 local emergency energy plan ordinance that is adopted
3 under Section 11-21.5-5 of the Illinois Municipal Code.

4 (j) Information and data concerning the distribution
5 of surcharge moneys collected and remitted by carriers
6 under the Emergency Telephone System Act.

7 (k) Law enforcement officer identification information
8 or driver identification information compiled by a law
9 enforcement agency or the Department of Transportation
10 under Section 11-212 of the Illinois Vehicle Code.

11 (l) Records and information provided to a residential
12 health care facility resident sexual assault and death
13 review team or the Executive Council under the Abuse
14 Prevention Review Team Act.

15 (m) Information provided to the predatory lending
16 database created pursuant to Article 3 of the Residential
17 Real Property Disclosure Act, except to the extent
18 authorized under that Article.

19 (n) Defense budgets and petitions for certification of
20 compensation and expenses for court appointed trial
21 counsel as provided under Sections 10 and 15 of the
22 Capital Crimes Litigation Act. This subsection (n) shall
23 apply until the conclusion of the trial of the case, even
24 if the prosecution chooses not to pursue the death penalty
25 prior to trial or sentencing.

26 (o) Information that is prohibited from being

1 disclosed under Section 4 of the Illinois Health and
2 Hazardous Substances Registry Act.

3 (p) Security portions of system safety program plans,
4 investigation reports, surveys, schedules, lists, data, or
5 information compiled, collected, or prepared by or for the
6 Department of Transportation under Sections 2705-300 and
7 2705-616 of the Department of Transportation Law of the
8 Civil Administrative Code of Illinois, the Regional
9 Transportation Authority under Section 2.11 of the
10 Regional Transportation Authority Act, or the St. Clair
11 County Transit District under the Bi-State Transit Safety
12 Act.

13 (q) Information prohibited from being disclosed by the
14 Personnel Record Review Act.

15 (r) Information prohibited from being disclosed by the
16 Illinois School Student Records Act.

17 (s) Information the disclosure of which is restricted
18 under Section 5-108 of the Public Utilities Act.

19 (t) All identified or deidentified health information
20 in the form of health data or medical records contained
21 in, stored in, submitted to, transferred by, or released
22 from the Illinois Health Information Exchange, and
23 identified or deidentified health information in the form
24 of health data and medical records of the Illinois Health
25 Information Exchange in the possession of the Illinois
26 Health Information Exchange Office due to its

1 administration of the Illinois Health Information
2 Exchange. The terms "identified" and "deidentified" shall
3 be given the same meaning as in the Health Insurance
4 Portability and Accountability Act of 1996, Public Law
5 104-191, or any subsequent amendments thereto, and any
6 regulations promulgated thereunder.

7 (u) Records and information provided to an independent
8 team of experts under the Developmental Disability and
9 Mental Health Safety Act (also known as Brian's Law).

10 (v) Names and information of people who have applied
11 for or received Firearm Owner's Identification Cards under
12 the Firearm Owners Identification Card Act or applied for
13 or received a concealed carry license under the Firearm
14 Concealed Carry Act, unless otherwise authorized by the
15 Firearm Concealed Carry Act; and databases under the
16 Firearm Concealed Carry Act, records of the Concealed
17 Carry Licensing Review Board under the Firearm Concealed
18 Carry Act, and law enforcement agency objections under the
19 Firearm Concealed Carry Act.

20 (v-5) Records of the Firearm Owner's Identification
21 Card Review Board that are exempted from disclosure under
22 Section 10 of the Firearm Owners Identification Card Act.

23 (w) Personally identifiable information which is
24 exempted from disclosure under subsection (g) of Section
25 19.1 of the Toll Highway Act.

26 (x) Information which is exempted from disclosure

1 under Section 5-1014.3 of the Counties Code or Section
2 8-11-21 of the Illinois Municipal Code.

3 (y) Confidential information under the Adult
4 Protective Services Act and its predecessor enabling
5 statute, the Elder Abuse and Neglect Act, including
6 information about the identity and administrative finding
7 against any caregiver of a verified and substantiated
8 decision of abuse, neglect, or financial exploitation of
9 an eligible adult maintained in the Registry established
10 under Section 7.5 of the Adult Protective Services Act.

11 (z) Records and information provided to a fatality
12 review team or the Illinois Fatality Review Team Advisory
13 Council under Section 15 of the Adult Protective Services
14 Act.

15 (aa) Information which is exempted from disclosure
16 under Section 2.37 of the Wildlife Code.

17 (bb) Information which is or was prohibited from
18 disclosure by the Juvenile Court Act of 1987.

19 (cc) Recordings made under the Law Enforcement
20 Officer-Worn Body Camera Act, except to the extent
21 authorized under that Act.

22 (dd) Information that is prohibited from being
23 disclosed under Section 45 of the Condominium and Common
24 Interest Community Ombudsperson Act.

25 (ee) Information that is exempted from disclosure
26 under Section 30.1 of the Pharmacy Practice Act.

1 (ff) Information that is exempted from disclosure
2 under the Revised Uniform Unclaimed Property Act.

3 (gg) Information that is prohibited from being
4 disclosed under Section 7-603.5 of the Illinois Vehicle
5 Code.

6 (hh) Records that are exempt from disclosure under
7 Section 1A-16.7 of the Election Code.

8 (ii) Information which is exempted from disclosure
9 under Section 2505-800 of the Department of Revenue Law of
10 the Civil Administrative Code of Illinois.

11 (jj) Information and reports that are required to be
12 submitted to the Department of Labor by registering day
13 and temporary labor service agencies but are exempt from
14 disclosure under subsection (a-1) of Section 45 of the Day
15 and Temporary Labor Services Act.

16 (kk) Information prohibited from disclosure under the
17 Seizure and Forfeiture Reporting Act.

18 (ll) Information the disclosure of which is restricted
19 and exempted under Section 5-30.8 of the Illinois Public
20 Aid Code.

21 (mm) Records that are exempt from disclosure under
22 Section 4.2 of the Crime Victims Compensation Act.

23 (nn) Information that is exempt from disclosure under
24 Section 70 of the Higher Education Student Assistance Act.

25 (oo) Communications, notes, records, and reports
26 arising out of a peer support counseling session

1 prohibited from disclosure under the First Responders
2 Suicide Prevention Act.

3 (pp) Names and all identifying information relating to
4 an employee of an emergency services provider or law
5 enforcement agency under the First Responders Suicide
6 Prevention Act.

7 (qq) Information and records held by the Department of
8 Public Health and its authorized representatives collected
9 under the Reproductive Health Act.

10 (rr) Information that is exempt from disclosure under
11 the Cannabis Regulation and Tax Act.

12 (ss) Data reported by an employer to the Department of
13 Human Rights pursuant to Section 2-108 of the Illinois
14 Human Rights Act.

15 (tt) Recordings made under the Children's Advocacy
16 Center Act, except to the extent authorized under that
17 Act.

18 (uu) Information that is exempt from disclosure under
19 Section 50 of the Sexual Assault Evidence Submission Act.

20 (vv) Information that is exempt from disclosure under
21 subsections (f) and (j) of Section 5-36 of the Illinois
22 Public Aid Code.

23 (ww) Information that is exempt from disclosure under
24 Section 16.8 of the State Treasurer Act.

25 (xx) Information that is exempt from disclosure or
26 information that shall not be made public under the

1 Illinois Insurance Code.

2 (yy) Information prohibited from being disclosed under
3 the Illinois Educational Labor Relations Act.

4 (zz) Information prohibited from being disclosed under
5 the Illinois Public Labor Relations Act.

6 (aaa) Information prohibited from being disclosed
7 under Section 1-167 of the Illinois Pension Code.

8 (bbb) ~~(ccc)~~ Information that is prohibited from
9 disclosure by the Illinois Police Training Act and the
10 Illinois State Police Act.

11 (ccc) ~~(ddd)~~ Records exempt from disclosure under
12 Section 2605-304 of the Illinois Department of State
13 Police Law of the Civil Administrative Code of Illinois.

14 (ddd) ~~(bbb)~~ Information prohibited from being
15 disclosed under Section 35 of the Address Confidentiality
16 for Victims of Domestic Violence, Sexual Assault, Human
17 Trafficking, or Stalking Act.

18 (eee) ~~(ddd)~~ Information prohibited from being
19 disclosed under subsection (b) of Section 75 of the
20 Domestic Violence Fatality Review Act.

21 (fff) Information prohibited from disclosure under
22 paragraph (3) of subsection (a) of Section 14 of the Nurse
23 Agency Licensing Act.

24 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;
25 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.
26 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,

1 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;
2 101-620, eff 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.
3 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,
4 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;
5 102-559, eff. 8-20-21; revised 10-5-21.)

6 Section 10. The Nurse Agency Licensing Act is amended by
7 changing Sections 3, 5, 7, 13, 14, and 14.1 and by adding
8 Section 14.3 as follows:

9 (225 ILCS 510/3) (from Ch. 111, par. 953)

10 Sec. 3. Definitions. As used in this Act:

11 ~~(a)~~ "Certified nurse aide" means an individual certified
12 as defined in Section 3-206 of the Nursing Home Care Act,
13 Section 3-206 of the ID/DD Community Care Act, or Section
14 3-206 of the MC/DD Act, as now or hereafter amended.

15 "Covenant not to compete" means an agreement between a
16 nurse agency and an employee that restricts the employee from
17 performing:

18 (1) any work for another employer for a specified
19 period of time;

20 (2) any work in a specified geographic area; or

21 (3) any work for another employer that is similar to
22 the work the employee performs for the employer that is a
23 party to the agreement.

24 ~~(b)~~ "Department" means the Department of Labor.

1 ~~(e)~~ "Director" means the Director of Labor.

2 "Employee" means a nurse or a certified nurse aide.

3 ~~(d)~~ "Health care facility" is defined as in Section 3 of
4 the Illinois Health Facilities Planning Act, as now or
5 hereafter amended. "Health care facility" also includes any
6 facility licensed, certified, or approved by any State agency
7 and subject to regulation under the Assisted Living and Shared
8 Housing Act or the Illinois Public Aid Code.

9 ~~(e)~~ "Licensee" means any nursing agency which is properly
10 licensed under this Act.

11 ~~(f)~~ "Nurse" means a registered nurse, ~~or~~ a licensed
12 practical nurse, an advanced practice registered nurse, or any
13 individual licensed under ~~as defined in~~ the Nurse Practice
14 Act.

15 ~~(g)~~ "Nurse agency" means any individual, firm,
16 corporation, partnership or other legal entity that employs,
17 assigns or refers nurses or certified nurse aides to a health
18 care facility for a fee. The term "nurse agency" includes
19 nurses registries. The term "nurse agency" does not include
20 services provided by home health agencies licensed and
21 operated under the Home Health, Home Services, and Home
22 Nursing Agency Licensing Act or a licensed or certified
23 individual who provides his or her own services as a regular
24 employee of a health care facility, nor does it apply to a
25 health care facility's organizing nonsalaried employees to
26 provide services only in that facility.

1 (Source: P.A. 98-104, eff. 7-22-13; 99-180, eff. 7-29-15.)

2 (225 ILCS 510/5) (from Ch. 111, par. 955)

3 Sec. 5. Application for license. An application to operate
4 a nurse agency shall be made to the Department on forms
5 provided by the Department. A separate application shall be
6 submitted for each additional location from which a nurse
7 agency is operated. All applications must be under oath and
8 must be accompanied by an equitable application fee which will
9 be set by the Department by rule. A separate license must be
10 obtained for each location from which a nurse agency is
11 operated unless the nurse agency is owned and managed by the
12 same person or persons. Submission of false or misleading
13 information is a petty offense punishable by a fine of \$500.
14 The application shall contain the following information:

15 (1) name and address of the person, partnership,
16 corporation or other entity that is the applicant;

17 (2) if the applicant is a corporation or limited liability
18 company, a copy of its articles of incorporation or
19 organization, a copy of its current bylaws, and the names and
20 addresses of its officers and directors and shareholders
21 owning more than 5% of the corporation's stock or membership
22 units;

23 (3) the name and location of premises from which the
24 applicant will provide services;

25 (4) the names and addresses of the person or persons under

1 whose management or supervision the nurse agency will be
2 operated;

3 (5) a statement of financial solvency;

4 (6) a statement detailing the experience and
5 qualifications of the applicant to operate a nurse agency,
6 however, the failure of a nurse agency to demonstrate previous
7 experience to operate an agency does not in and of itself
8 constitute grounds for the denial of a license;

9 (7) evidence of compliance or intent to comply with State
10 or federal law relating to employee compensation, including
11 but not limited to, social security taxes, State and federal
12 income taxes, workers' compensation, unemployment taxes, and
13 State and federal overtime compensation laws;

14 (8) evidence of general and professional liability
15 insurance in the amounts of at least \$1,000,000 ~~\$500,000~~ per
16 incident and \$3,000,000 ~~\$1,000,000~~ in aggregate and workers'
17 compensation coverage for all nurses or certified nursing
18 aides employed, assigned, or referred by the nurse agency to a
19 health care facility; and

20 (8.5) copies of all currently effective contracts with
21 health care facilities; and

22 (9) any other relevant information which the Department
23 determines is necessary to properly evaluate the applicant and
24 application as required by the Department by rule.

25 (Source: P.A. 86-817; 86-1043; 86-1472; 87-435.)

1 (225 ILCS 510/7) (from Ch. 111, par. 957)

2 Sec. 7. Renewal of license. At least 90 days prior to
3 license expiration, the licensee shall submit an attestation
4 detailing the number of contracted shifts, number of shifts
5 missed, number of shifts fulfilled for the 3 quarters
6 preceding the application date, and an application which meets
7 the requirements of Section 5 of this Act for renewal of the
8 license. If the application is approved pursuant to Section 6,
9 the license shall be renewed for an additional one-year
10 period.

11 (Source: P.A. 86-817; 86-1043.)

12 (225 ILCS 510/13) (from Ch. 111, par. 963)

13 Sec. 13. Application for employment.

14 (a) Every nurse agency shall cause each applicant for
15 employment, assignment, or referral, as a nurse to complete an
16 application form including the following information:

17 (1) name and address of the applicant;

18 (2) whether or not such applicant is a nurse currently
19 licensed by the Department of Professional Regulation;

20 (3) if so licensed, the number and date of such
21 license; and

22 (4) references and dates and places of previous
23 employment.

24 Prior to employing, assigning, or referring a nurse, the
25 agency shall contact the Department of Financial and

1 Professional Regulation to determine whether the nurse's
2 license is valid and in good standing. Written verification
3 shall be sent by the Department of Financial and Professional
4 Regulation within 20 working days. At least biennially
5 thereafter, the nurse agency shall contact the Department of
6 Financial and Professional Regulation to verify this
7 information in writing. The nurse agency shall review the
8 disciplinary report published by the Department of Financial
9 and Professional Regulation on a monthly basis to determine
10 whether the nurse's license is valid and in good standing.

11 (b) Every nurse agency shall cause each applicant for
12 employment, assignment, or referral, as a certified nurse aide
13 to complete an application form including the following
14 information:

15 (1) name and address of the applicant;

16 (2) whether or not the nurse aide is registered as
17 having completed a certified course as approved by the
18 Department of Public Health; and

19 (3) references and dates and places of previous
20 employment.

21 Prior to employing, assigning, or referring a certified
22 nurse aide, the agency shall review the information provided
23 on the Health Care Worker Registry to verify that the
24 certification is valid. Prior to employing, assigning, or
25 referring a certified nurse aide to a position at a health care
26 employer or long-term facility as defined in the Health Care

1 Worker Background Check Act, the nurse agency shall review the
2 information provided on the Health Care Worker Registry to
3 verify ~~and~~ that the certified nurse aide is not ineligible for
4 the position ~~to be hired by health care employers or long-term~~
5 ~~care facilities~~ pursuant to Section 25 of the Health Care
6 Worker Background Check Act.

7 (c) Every nurse agency shall check at least 2 recent
8 references and the dates of employment provided by the
9 applicant, unless the applicant has not had 2 previous
10 employers.

11 (d) Knowingly employing, assigning, or referring to a
12 health care facility a nurse or certified nurse aide with an
13 illegally or fraudulently obtained or issued diploma,
14 registration, license, certificate, or background study
15 constitutes negligent hiring by a nurse agency and is a
16 violation of this Act.

17 (e) ~~(d)~~ Nurses or certified nurses aides employed,
18 assigned, or referred to a health care facility by a nurse
19 agency shall be deemed to be employees of the nurse agency
20 while working for the nurse agency or on nurse agency
21 employment, assignment or referral.

22 (Source: P.A. 99-652, eff. 1-1-17.)

23 (225 ILCS 510/14) (from Ch. 111, par. 964)

24 Sec. 14. Minimum Standards.

25 (a) The Department, by rule, shall establish minimum

1 standards for the operation of nurse agencies. Those standards
2 shall include, but are not limited to:

3 (1) the maintenance of written policies and
4 procedures;

5 (2) the maintenance and submission to the Department
6 of copies of all contracts between the nurse agency and
7 health care facility to which it assigns or refers nurses
8 or certified nurse aides and copies of all invoices to
9 health care facilities personnel. Executed contracts must
10 be sent to the Department within 5 business days of their
11 effective date and procedures; and

12 (3) ~~(2)~~ the development of personnel policies for
13 nurses or certified nurse aides employed, assigned, or
14 referred to health care facilities, including which
15 include a personal interview, a reference check, an annual
16 evaluation of each employee (which may be based in part
17 upon information provided by health care facilities
18 utilizing nurse agency personnel) and periodic health
19 examinations. Executed contracts must be sent to the
20 Department within 5 business days of their effective date
21 and are not subject to disclosure under the Freedom of
22 Information Act. No less than 100% of the nurse or
23 certified nurse aide hourly rate shall be paid to the
24 nurse or certified nurse aide employee.

25 (b) Each nurse agency shall have a nurse serving as a
26 manager or supervisor of all nurses and certified nurses

1 aides.

2 (c) Each nurse agency shall ensure that its employees meet
3 the minimum licensing, training, continuing education, and
4 orientation standards for which those employees are licensed
5 or certified.

6 (d) A nurse agency shall not employ, assign, or refer for
7 use in an Illinois health care facility a nurse or certified
8 nurse aide unless certified or licensed under applicable
9 provisions of State and federal law or regulations. Each
10 certified nurse aide shall comply with all pertinent
11 regulations of the Illinois Department of Public Health
12 relating to the health and other qualifications of personnel
13 employed in health care facilities.

14 (e) The Department may adopt rules to monitor the usage of
15 nurse agency services to determine their impact.

16 (f) Nurse agencies are prohibited from recruiting
17 potential employees on the premises of a health care facility
18 or requiring, as a condition of employment, assignment, or
19 referral, that their employees recruit new employees for the
20 nurse agency from among the permanent employees of the health
21 care facility to which the nurse agency employees have been
22 employed, assigned, or referred, and the health care facility
23 to which such employees are employed, assigned, or referred is
24 prohibited from requiring, as a condition of employment, that
25 their employees recruit new employees from these nurse agency
26 employees. Violation of this provision is a business offense.

1 (g) Nurse agencies are prohibited from entering into
2 covenants not to compete with nurses and certified nurse
3 aides. A covenant not to compete entered into on or after the
4 effective date of this amendatory Act of the 102nd General
5 Assembly between a nurse agency and a nurse or certified nurse
6 aide is illegal and void. The nursing agency shall not, in any
7 contract with any employee or health care facility, require
8 the payment of liquidated damages, conversion fees, employment
9 fees, buy-out fees, placement fees, or other compensation if
10 the employee is hired as a permanent employee of a health care
11 facility.

12 (h) A nurse agency shall submit a report quarterly to the
13 Department for each health care entity with whom the agency
14 contracts that includes all of the following by provider type
15 and county in which the work was performed:

16 (1) A list of the average amount charged to the health
17 care facility for each individual employee category.

18 (2) A list of the average amount paid by the agency to
19 employees in each individual employee category.

20 (3) A list of the average amount of labor-related
21 costs paid by the agency for each employee category,
22 including payroll taxes, workers' compensation insurance,
23 professional liability coverage, credentialing and
24 testing, and other employee related costs.

25 The Department shall publish by county in which the work
26 was performed the average amount charged to the health care

1 facilities by nurse agencies for each individual worker
2 category and the average amount paid by the agency to each
3 individual worker category.

4 (i) The Department shall publish on its website the
5 reports yearly by county.

6 (j) The Department of Labor shall compel production of the
7 maintained records, as required under this Section, by the
8 nurse agencies.

9 (Source: P.A. 86-817.)

10 (225 ILCS 510/14.1)

11 Sec. 14.1. Investigations; orders; civil penalties.

12 (a) The Department may at any time, and shall upon
13 receiving a complaint from any interested person, investigate
14 any person licensed or applying for a license under this Act
15 suspected of violating any provision of any Section except
16 Section 14.3. The Department shall investigate any person who
17 operates or advertises a nurse agency without being licensed
18 under this Act. The Department shall establish a system of
19 reporting complaints against a health care staffing agency.
20 The Department shall publish on its website how an interested
21 party may submit a complaint of a violation of this Act to the
22 Department. Complaints may be made by an interested party.
23 Complaints against a nurse agency shall be investigated by the
24 Department of Labor. The investigations shall take into
25 consideration the responsibility of health care facilities

1 under Section 12 for supervising nurse agency employees
2 assigned or referred to the facilities. For purposes of this
3 Section, "interested party" means a health care facility,
4 nurse staffing agency, or an employee of a health care
5 facility or nurse staffing agency.

6 The Director or his or her authorized representative may
7 examine the premises of any nurse agency, may compel by
8 subpoena, for examination or inspection, the attendance and
9 testimony of witnesses and the production of books, payrolls,
10 records, papers and other evidence in any investigation or
11 hearing, and may administer oaths or affirmations to
12 witnesses.

13 (b) After appropriate notice and hearing, and if supported
14 by the evidence, the Department may issue and cause to be
15 served on any person an order to cease and desist from
16 violation of this Act and to take any further action that is
17 reasonable to eliminate the effect of the violation of any
18 Section except Section 14.3.

19 Whenever it appears that any person has violated a valid
20 order of the Department issued under this Act, the Director
21 may commence an action and obtain from the court an order
22 directing the person to obey the order of the Department or be
23 subject to punishment for contempt of court.

24 The Department may petition the court for an order
25 enjoining any violation of any Section of this Act except
26 Section 14.3.

1 (c) Any licensee or applicant who violates any provision
2 of this Act or the rules adopted under this Act shall be
3 subject to a civil penalty of \$10,000 per occurrence payable
4 to the Department for the purpose of enforcing this Act ~~\$1,000~~
5 ~~per day for each violation~~. Civil penalties may be assessed by
6 the Department in an administrative action and may, if
7 necessary, be recovered in a civil action brought by the
8 Director through the Attorney General of the State of Illinois
9 or the State's attorney of any county in which the violation
10 occurred. The court may order that the civil penalties
11 assessed for violation of this Act, together with any costs or
12 attorney's fees arising out of the action to collect the
13 penalties, be paid to the Department. The fact that the
14 violation has ceased does not excuse any person from liability
15 for civil penalties arising from the violation.

16 (d) Any nurse staffing agency that has been found not to
17 have paid an employee 100% of the hourly wage rate identified
18 in the contract between such nurse staffing agency and health
19 care facility shall be liable to the employee for the actual
20 amount of the underpayment, plus damages of 5% of the amount of
21 the underpayment.

22 (Source: P.A. 88-230.)

23 (225 ILCS 510/14.3 new)

24 Sec. 14.3. Contracts between nurse agencies and health
25 care facilities.

1 (a) A contract entered into on or after the effective date
2 of this amendatory Act of the 102nd General Assembly between
3 the nurse agency and health care facility must contain the
4 following provisions:

5 (1) A full disclosure of charges and compensation. The
6 disclosure shall include a schedule of all hourly bill
7 rates per category of employee, a full description of
8 administrative charges, and a schedule of rates of all
9 compensation per category of employee, including, but not
10 limited to, hourly regular pay rate, shift differential,
11 weekend differential, hazard pay, charge nurse add-on,
12 overtime, holiday pay, and travel or mileage pay.

13 (2) A commitment that nurses or certified nurse aides
14 employed, assigned, or referred to a health care facility
15 by the nurse agency perform any and all duties called for
16 within the full scope of practice for which the nurse or
17 certified nurse aide is licensed or certified.

18 (3) No less than 100% of the nurse or certified nurse
19 aide hourly rate shall be paid to the nurse or certified
20 nurse aide employee.

21 (b) A party's failure to comply with the requirements of
22 subsection (a) shall be a defense to the enforcement of a
23 contract between a nurse agency and a health care facility.
24 Any health care facility or nurse agency aggrieved by a
25 violation of subsection (a) shall have a right of action in a
26 State court against the offending party. A prevailing party

1 may recover for each violation:

2 (1) liquidated damages of \$1,500 or actual damages,
3 whichever is greater;

4 (2) reasonable attorney's fees and costs, including
5 expert witness fees and other litigation expenses; and

6 (3) other relief, including an injunction, as the
7 court may deem appropriate.

8 Section 99. Effective date. This Act takes effect July 1,
9 2022."