

HB3779



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3779

Introduced 2/25/2009, by Rep. Robert F. Flider

SYNOPSIS AS INTRODUCED:

210 ILCS 55/6.3
210 ILCS 55/6.7

Amends the Home Health, Home Services, and Home Nursing Agency Licensing Act. Provides that the Department of Public Health may not charge any fee to a certified local health department in connection with the licensure of a home services agency or home nursing agency. Effective immediately.

LRB096 09286 DRJ 22208 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Home Health, Home Services, and Home Nursing
5 Agency Licensing Act is amended by changing Sections 6.3 and
6 6.7 as follows:

7 (210 ILCS 55/6.3)

8 Sec. 6.3. Home services agencies; standards; fees.

9 (a) Before January 1, 2008, the Department shall adopt
10 standards for the licensure and operation of home services
11 agencies operated in this State. The structure of the standards
12 shall be based on the concept of home services and its focus on
13 assistance with activities of daily living, housekeeping,
14 personal laundry, and companionship being provided to an
15 individual intended to enable that individual to remain safely
16 and comfortably in his or her own personal residence. As home
17 services do not include services that would be required to be
18 performed by an individual licensed under the Nurse Practice
19 Act, the standards shall be developed from a similar concept.
20 After consideration and recommendations by the Home Health and
21 Home Services Advisory Committee, the Department shall adopt
22 such rules and regulations as are necessary for the proper
23 regulation of home services agencies. Requirements for

1 licensure as a home services agency shall include the
2 following:

3 (1) Compliance with the requirements of the Health Care
4 Worker Background Check Act.

5 (2) Notification, in a form and manner established by
6 the Department by rule, to home services workers and
7 consumers as to the party or parties responsible under
8 State and federal laws for payment of employment taxes,
9 social security taxes, and workers' compensation,
10 liability, the day-to-day supervision of workers, and the
11 hiring, firing, and discipline of workers with the
12 placement arrangement for home services.

13 (3) Compliance with rules, as adopted by the
14 Department, in regard to (i) reporting by the licensee of
15 any known or suspected incidences of abuse, neglect, or
16 financial exploitation of an eligible adult, as defined in
17 the Elder Abuse and Neglect Act, by a home services worker
18 employed by or placed by the licensee or (ii) reports to a
19 law enforcement agency in connection with any other
20 individual protected under the laws of the State of
21 Illinois.

22 (4) Compliance with rules, as adopted by the
23 Department, addressing the health, safety, and well-being
24 of clients receiving home services.

25 (b) The Department may establish fees for home services
26 agency licensure in rules in a manner that will make the

1 program self-supporting. The amount of the licensure fees shall
2 be based on the funding required for operation of the licensure
3 program. Notwithstanding any other provision of this Section,
4 the Department may not charge any fee to a certified local
5 health department in connection with the licensure of a home
6 services agency.

7 (Source: P.A. 94-379, eff. 1-1-06; 95-639, eff. 10-5-07.)

8 (210 ILCS 55/6.7)

9 Sec. 6.7. Home nursing agencies; standards; fees.

10 (a) Before January 1, 2008, the Department shall adopt
11 standards for the licensure and operation of home nursing
12 agencies operated in this State. After consideration and
13 recommendations by the Home Health and Home Services Advisory
14 Committee, the Department shall adopt such rules as are
15 necessary for the proper regulation of home nursing agencies.
16 Requirements for licensure as a home nursing agency shall
17 include the following:

18 (1) Compliance with the requirements of the Health Care
19 Worker Background Check Act.

20 (2) Notification, in a form and manner established by
21 the Department by rule, to home nursing agency workers and
22 consumers as to the party or parties responsible under
23 State and federal laws for payment of employment taxes,
24 social security taxes, and workers' compensation,
25 liability, the day-to-day supervision of workers, and the

1 hiring, firing, and discipline of workers with the
2 placement arrangement for home nursing services.

3 (3) Compliance with rules, as adopted by the
4 Department, in regard to (i) reporting by the licensee of
5 any known or suspected incidences of abuse, neglect, or
6 financial exploitation of an eligible adult, as defined in
7 the Elder Abuse and Neglect Act, by a home nursing care
8 worker employed by or placed by the licensee or (ii)
9 reports to a law enforcement agency in connection with any
10 other individual protected under the laws of the State of
11 Illinois.

12 (4) Compliance with rules, as adopted by the
13 Department, addressing the health, safety, and well-being
14 of clients receiving home nursing services.

15 (b) The Department may establish fees for home nursing
16 agency licensure in rules in a manner that will make the
17 program self-supporting. The amount of the licensure fees shall
18 be based on the funding required for the operation of the
19 licensure program. Notwithstanding any other provisions of
20 this Section, the Department may not charge any fee to a
21 certified local health department in connection with the
22 licensure of a home nursing agency.

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

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.