

AN ACT concerning regulation.

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

Section 5. The Nurse Agency Licensing Act is amended by changing Sections 12 and 14.3 as follows:

(225 ILCS 510/12) (from Ch. 111, par. 962)

Sec. 12. Liability of nurse agencies. Health care facilities are responsible for supervising nurse agency employees assigned or referred to the facilities; however, where a health care facility is found liable for an injury to a patient or resident because of a negligent act performed by a nurse or certified nurse aide employed, assigned, or referred by the nurse agency, the health care facility has a right to be compensated by the nurse agency for any and all expenses, fines, or damages incurred related to any liability for the nurse agency's negligence, including negligent hiring. Negligent hiring by a nurse agency shall be the failure of an agency to follow the procedures outlined in Section 13 of this Act. This provision shall not otherwise limit in any way the actions a health care facility may have against a nurse agency at law or in equity. This Section is not subject to enforcement by the Department.

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

(225 ILCS 510/14.3)

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

(a) A contract entered into on or after the effective date of this amendatory Act of the 103rd General Assembly ~~this amendatory Act of the 102nd General Assembly~~ between the nurse agency and health care facility must contain the following provisions:

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

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

(3) A provision requiring that no ~~no~~ less than 100% of the nurse or certified nurse aide hourly rate shall be paid to the nurse or certified nurse aide employee.

(4) A provision specifying that the health care

facility has a right to be compensated by the nurse agency for any and all expenses, fines, or damages incurred related to any liability for a negligent act performed by a nurse or certified nurse aide employed, assigned, or referred by the nurse agency.

(b) A party's failure to comply with the requirements of subsection (a) shall be a defense to the enforcement of a contract between a nurse agency and a health care facility. Any health care facility or nurse agency aggrieved by a violation of subsection (a) shall have a right of action in a State court against the offending party. A prevailing party may recover for each violation:

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

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

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

(c) This Section does not apply to contracts on a long-term basis between a nurse agency and a health care facility providing for the employment, assignment, or referral of nurses or certified nurse aides to the health care facility.

(Source: P.A. 102-946, eff. 7-1-22; 102-1124, eff. 2-3-23.)