



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB4155

Introduced 10/15/2025, by Rep. Travis Weaver

#### SYNOPSIS AS INTRODUCED:

225 ILCS 510/14

from Ch. 111, par. 964

Amends the Nurse Agency Licensing Act. Provides that, beginning on the effective date of the amendatory Act, a nurse agency may negotiate and charge a finder's fee to a health care facility if the health care facility hires a nurse or a certified nurse aide and the nurse or certified nurse aide was employed, assigned, or referred by the nurse agency to the health care facility on either a temporary or long-term basis.

LRB104 15582 AAS 28749 b

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 Nurse Agency Licensing Act is amended by  
5 changing Section 14 as follows:

6 (225 ILCS 510/14) (from Ch. 111, par. 964)

7 Sec. 14. Minimum Standards.

8 (a) The Department, by rule, shall establish minimum  
9 standards for the operation of nurse agencies. Those standards  
10 shall include, but are not limited to:

11 (1) the maintenance of written policies and  
12 procedures;

13 (2) the maintenance and submission to the Department  
14 of copies of all contracts between the nurse agency and  
15 health care facility to which it assigns or refers nurses  
16 or certified nurse aides and copies of all invoices to  
17 health care facilities personnel. Executed contracts must  
18 be sent to the Department within 5 business days of their  
19 effective date; and

20 (3) the development of personnel policies for nurses  
21 or certified nurse aides employed, assigned, or referred  
22 to health care facilities, including a personal interview,  
23 a reference check, an annual evaluation of each employee

1 (which may be based in part upon information provided by  
2 health care facilities utilizing nurse agency personnel),  
3 and periodic health examinations. Executed contracts must  
4 be sent to the Department within 5 business days of their  
5 effective date and are not subject to disclosure under the  
6 Freedom of Information Act.

7 No less than 100% of the nurse or certified nurse aide  
8 hourly rate shall be paid to the nurse or certified nurse  
9 aide employee.

10 (b) Each nurse agency shall have a nurse serving as a  
11 manager or supervisor of all nurses and certified nurses  
12 aides.

13 (c) Each nurse agency shall ensure that its employees meet  
14 the minimum licensing, training, continuing education, and  
15 orientation standards for which those employees are licensed  
16 or certified.

17 (d) A nurse agency shall not employ, assign, or refer for  
18 use in an Illinois health care facility a nurse or certified  
19 nurse aide unless certified or licensed under applicable  
20 provisions of State and federal law or regulations. Each  
21 certified nurse aide shall comply with all pertinent  
22 regulations of the Illinois Department of Public Health  
23 relating to the health and other qualifications of personnel  
24 employed in health care facilities.

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

1 (f) Nurse agencies are prohibited from recruiting  
2 potential employees on the premises of a health care facility  
3 or requiring, as a condition of employment, assignment, or  
4 referral, that their employees recruit new employees for the  
5 nurse agency from among the permanent employees of the health  
6 care facility to which the nurse agency employees have been  
7 employed, assigned, or referred, and the health care facility  
8 to which such employees are employed, assigned, or referred is  
9 prohibited from requiring, as a condition of employment, that  
10 their employees recruit new employees from these nurse agency  
11 employees. Violation of this provision is a business offense.

12 (g) Nurse agencies are prohibited from entering into  
13 covenants not to compete with nurses and certified nurse aides  
14 if the nurse is employed, assigned, or referred by a nurse  
15 agency to a health care facility on a temporary basis or the  
16 certified nurse aide is employed, assigned, or referred by a  
17 nurse agency to a health care facility on a temporary basis. A  
18 covenant not to compete entered into on or after July 1, 2022  
19 (the effective date of Public Act 102-946) between a nurse  
20 agency and a nurse or a certified nurse aide is illegal and  
21 void if (i) the nurse is employed, assigned, or referred by a  
22 nurse agency to a health care facility on a temporary basis or  
23 (ii) the certified nurse aide is employed, assigned, or  
24 referred by a nurse agency to a health care facility on a  
25 temporary basis. In any contract on a temporary basis with any  
26 nurse, certified nurse aide, or health care facility, a nurse

1 agency is prohibited from requiring the payment of liquidated  
2 damages, conversion fees, employment fees, buy-out fees,  
3 placement fees, or other compensation if the nurse or  
4 certified nurse aide is hired as a permanent employee of a  
5 health care facility.

6 (g-5) Beginning on the effective date of this amendatory  
7 Act of the 102nd General Assembly and ending on December 31,  
8 2027, a nurse agency may enter into a covenant not to compete  
9 with a nurse or a certified nurse aide if (i) the nurse is  
10 employed, assigned, or referred by a nurse agency to a health  
11 care facility on a long-term basis or (ii) the certified nurse  
12 aide is employed, assigned, or referred by a nurse agency to a  
13 health care facility on a long-term basis. However, if a  
14 covenant not to compete that was entered into on or before  
15 December 31, 2027 expires on or after January 1, 2028, the  
16 covenant not to compete shall remain in effect until its  
17 expiration date. To be enforceable, the term of a covenant not  
18 to compete entered into under this subsection must be  
19 concurrent with the term of the initial employment,  
20 assignment, or referral of the nurse or certified nurse aide  
21 to a health care facility. A contract on a long-term basis  
22 between any nurse, certified nurse aide, or health care  
23 facility and a nurse agency may provide for the payment of  
24 actual damages, conversion fees, employment fees, buy-out  
25 fees, placement fees, or other reasonable expenses resulting  
26 from a violation of the contract that occurred during the

1 initial employment, assignment, or referral term.

2 (g-10) Notwithstanding subsections (g) and (g-5),  
3 beginning on the effective date of this amendatory Act of the  
4 104th General Assembly, a nurse agency may negotiate and  
5 charge a finder's fee to a health care facility if the health  
6 care facility hires a nurse or a certified nurse aide and the  
7 nurse or certified nurse aide was employed, assigned, or  
8 referred by the nurse agency to the health care facility on  
9 either a temporary or long-term basis.

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

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

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

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

23 The Department shall publish by county in which the work  
24 was performed the average amount charged to the health care  
25 facilities by nurse agencies for each individual worker  
26 category and the average amount paid by the agency to each

1 individual worker category.

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

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

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