

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 Sections 4, 5, and 14.1 as follows:

6 (225 ILCS 510/4) (from Ch. 111, par. 954)

7 Sec. 4. Licensing. The Department shall license nurse  
8 agencies in accordance with this Act for the protection of the  
9 health, welfare and safety of patients and residents. No nurse  
10 agency person may lawfully establish, operate, maintain, or  
11 advertise ~~as a nurse agency~~ in the State of Illinois unless the  
12 nurse agency person is licensed under this Act by the  
13 Department of Labor. Being licensed under the Home Health,  
14 Home Services, and Home Nursing Agency Licensing Act does not  
15 relieve home health agencies that provide nurse agency  
16 services from the requirement of obtaining licensure under  
17 this Act. No health care facility shall use the services of an  
18 unlicensed nurse agency.

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

20 (225 ILCS 510/5) (from Ch. 111, par. 955)

21 Sec. 5. Application for license. An application to operate  
22 a nurse agency shall be made to the Department on forms

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

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

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

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

23 (4) the names and addresses of the person or persons  
24 under whose management or supervision the nurse agency  
25 will be operated;

26 (5) a statement of financial solvency;

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

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

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

18          (8.5) copies of all currently effective contracts with  
19          health care facilities; and

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

24          (Source: P.A. 102-946, eff. 7-1-22.)

25          (225 ILCS 510/14.1)

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

2           (a) The Department may at any time, and shall upon  
3 receiving a complaint from any interested person, investigate  
4 any nurse agency ~~person~~ licensed or applying for a license  
5 under this Act suspected of violating any provision of any  
6 Section except Section 14.3. The Department shall investigate  
7 any nurse agency that ~~person who~~ operates or advertises ~~a~~  
8 ~~nurse agency~~ without being licensed under this Act. The  
9 Department shall establish a system of reporting complaints  
10 against a nurse ~~health care staffing~~ agency. The Department  
11 shall publish on its website how an interested party may  
12 submit a complaint of a violation of this Act to the  
13 Department. Complaints may be made by an interested party.  
14 Complaints against a nurse agency shall be investigated by the  
15 Department of Labor. The investigations shall take into  
16 consideration the responsibility of health care facilities  
17 under Section 12 for supervising nurse agency employees  
18 assigned or referred to the facilities. For purposes of this  
19 Section, "interested party" means a health care facility,  
20 nurse ~~staffing~~ agency, or an employee of a health care  
21 facility or nurse ~~staffing~~ agency.

22           The Director or his or her authorized representative may  
23 examine the premises of any nurse agency, may compel by  
24 subpoena, for examination or inspection, the attendance and  
25 testimony of witnesses and the production of books, payrolls,  
26 records, papers and other evidence in any investigation or

1 hearing, and may administer oaths or affirmations to  
2 witnesses.

3 (b) After appropriate notice and hearing, and if supported  
4 by the evidence, the Department may issue and cause to be  
5 served on any nurse agency ~~person~~ an order to cease and desist  
6 from violation of this Act and to take any further action that  
7 is reasonable to eliminate the effect of the violation of any  
8 Section except Section 14.3.

9 Whenever it appears that any nurse agency ~~person~~ has  
10 violated a valid order of the Department issued under this  
11 Act, the Director may commence an action and obtain from the  
12 court an order directing the nurse agency ~~person~~ to obey the  
13 order of the Department or be subject to punishment for  
14 contempt of court.

15 The Department may petition the court for an order  
16 enjoining any violation of any Section of this Act except  
17 Section 14.3.

18 (c) Any nurse agency ~~that licensee or applicant who~~  
19 violates any provision of this Act or the rules adopted under  
20 this Act shall be subject to a civil penalty of up to \$10,000  
21 per occurrence payable to the Department for the purpose of  
22 enforcing this Act. Civil penalties may be assessed by the  
23 Department in an administrative action and may, if necessary,  
24 be recovered in a civil action brought by the Director through  
25 the Attorney General of the State of Illinois or the State's  
26 attorney of any county in which the violation occurred. The

1 court may order that the civil penalties assessed for  
2 violation of this Act, together with any costs or attorney's  
3 fees arising out of the action to collect the penalties, be  
4 paid to the Department. The fact that the violation has ceased  
5 does not excuse any nurse agency ~~person~~ from liability for  
6 civil penalties arising from the violation.

7 (d) Any nurse ~~staffing~~ agency that has been found not to  
8 have paid an employee 100% of the hourly wage rate identified  
9 in the contract between such nurse ~~staffing~~ agency and health  
10 care facility shall be liable to the employee for the actual  
11 amount of the underpayment, plus damages of 5% of the amount of  
12 the underpayment.

13 (Source: P.A. 102-946, eff. 7-1-22.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.