



Sen. Robert Peters

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10400SB0067sam001

LRB104 06345 AAS 22861 a

1 AMENDMENT TO SENATE BILL 67

2 AMENDMENT NO. _____. Amend Senate Bill 67 by replacing
3 everything after the enacting clause with the following:

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

1 this Act. No health care facility shall use the services of an
2 unlicensed nurse agency.

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

4 (225 ILCS 510/5) (from Ch. 111, par. 955)

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

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

21 (2) if the applicant is a corporation or limited
22 liability company, a copy of its articles of incorporation
23 or organization, a copy of its current bylaws, and the
24 names and addresses of its officers and directors and
25 shareholders owning more than 5% of the corporation's

1 stock or membership units;

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

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

7 (5) a statement of financial solvency;

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

13 (7) evidence of compliance or intent to comply with
14 State or federal law relating to employee compensation,
15 including but not limited to, social security taxes, State
16 and federal income taxes, workers' compensation,
17 unemployment taxes, and State and federal overtime
18 compensation laws;

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

25 (8.5) copies of all currently effective contracts with
26 health care facilities; and

1 (9) any other relevant information which the
2 Department determines is necessary to properly evaluate
3 the applicant and application as required by the
4 Department by rule.

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

6 (225 ILCS 510/14.1)

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

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

1 nurse ~~staffing~~ agency, or an employee of a health care
2 facility or nurse ~~staffing~~ agency.

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

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

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

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

25 (c) Any nurse agency that licensee or applicant who
26 violates any provision of this Act or the rules adopted under

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

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

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."