



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5857

Introduced 1/4/2023, by Rep. Denyse Wang Stoneback

SYNOPSIS AS INTRODUCED:

New Act
35 ILCS 5/234 new
35 ILCS 5/235 new

Creates the Building a Care in the Home Workforce Act. Provides that the Department of Public Health shall conduct a program to promote awareness in the general public of care in the home as an alternative to long-term care facilities and institutions. Creates income tax credits for home health agencies and home care staff. Creates the Advisory Council on Care in the Home Workforce within the Department of Public Health. Sets forth the membership of the Council and its duties. Amends the Illinois Income Tax Act to make conforming changes. Effective immediately.

LRB102 29390 HLH 41801 b

1 AN ACT concerning State government.

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

4 Section 1. Short title. This Act may be cited as the
5 Building a Care in the Home Workforce Act.

6 Section 3. Definitions. As used in this Act:

7 "Agency" means: (i) an agency licensed under the Home
8 Health, Home Services, and Home Nursing Agency Licensing Act,
9 but not including a placement agency; (ii) a hospice program
10 licensed under the Hospice Program Licensing Act; and (iii)
11 in-home service providers participating in the Home Services
12 Program operated by the Department of Human Services or the
13 Community Care Program operated by the Department on Aging.

14 "Department" means the Department of Public Health.

15 "Home care staff" means an individual employed by or under
16 contract with an agency to provide direct care to patients or
17 clients in the home.

18 "Placement agency" has the meaning ascribed in Section
19 2.12 of the Home Health, Home Services, and Home Nurse Agency
20 Licensing Act.

21 Section 5. Findings. The General Assembly Finds that:

22 (1) Home care staff are lifelines for millions of

1 Americans, keeping them safe, healthy, and engaged.

2 (2) The need for home care staff is growing in the
3 United States and in Illinois.

4 (3) Home care staff have been essential in the fight
5 against COVID-19.

6 (4) Home care staff have faced the challenge of
7 COVID-19 by not only caring for their patients and clients
8 but also risking their own personal health and safety.

9 (5) Most people want to age at home as long as possible
10 instead of going to a nursing home.

11 (6) Home care staff enable families to stay together
12 at home safely and with dignity as they age.

13 (7) At the same time, the home-based care industry
14 faces significant challenges, including a shortage of
15 workers, low wages, and a lack of training, continuing
16 education, and career development opportunities.

17 (8) Home care staff frequently serve chronically ill
18 patients with complex needs and clients with complex
19 needs, and these patients and clients can be a challenging
20 population for new entrants to the workforce. As a result,
21 home care staff often leave for better paying
22 opportunities with less strenuous work.

23 (9) Recognizing and providing financial support for
24 home care staff will help community-based agencies and
25 assist with recruiting and retaining professionals to work
26 as home care staff.

1 (10) Providing financial support for home care staff
2 will ensure continuity of patient and client care and
3 reduce turnover in the industry.

4 Section 10. Awareness of care in the home.

5 (a) The Department shall, subject to appropriation or
6 other available funding, establish and administer a program to
7 promote awareness in the general public of care in the home as
8 an alternative to long-term care facilities and institutions.
9 The program may include, but need not be limited to:

10 (1) the dissemination of information to assist people
11 in: (i) understanding the different types of available
12 care in the home, including, but not limited to,
13 non-medical home care, medical home care, and hospice
14 care; (ii) determining which care in the home options best
15 meet their needs; (iii) understanding how to access
16 home-based and community-based Medicaid waiver programs in
17 Illinois; (iv) understanding the coverage available from
18 Medicaid and Medicare for care in the home; and (v)
19 understanding the overlap between those programs;

20 (2) the production of materials that can be given to
21 social workers, case managers, discharge planners, health
22 care workers, and senior service organizations to assist
23 in identifying people who may benefit from care in the
24 home as an alternative to long-term care facilities and
25 institutions; and

1 (3) the provision of specific information about
2 situations in which care in the home, including
3 non-medical home care, medical home care, and hospice
4 care, may be appropriate.

5 (b) Beginning July 1, 2023, the program must include the
6 development and dissemination, through print, digital, and
7 broadcast media, of public service announcements that
8 publicize care in the home as an alternative to long-term care
9 facilities and institutions.

10 Section 15. Income tax credit for home health agencies.

11 (a) For tax years beginning on or after January 1, 2024,
12 the Department shall award credits against the taxes imposed
13 by subsections (a) and (b) of Section 201 of the Illinois
14 Income Tax Act to agencies that employ home care staff in
15 Illinois in part-time positions, full-time positions, or both
16 part-time and full-time positions. The amount of the credit
17 shall be the product of \$1 times the number of hours worked by
18 each person employed by the agency during the taxable year as
19 home care staff in Illinois. The credit awarded under this Act
20 for a taxable year may not exceed \$2,000 for each person
21 employed by the agency as home care staff in this State during
22 that taxable year.

23 (b) Agencies that are eligible for a credit under this
24 Section must apply annually to the Department, using the forms
25 prescribed by the Department, to claim a credit under this

1 Section. To be approved for a credit under this Act, the agency
2 must:

3 (1) agree to provide to the Department with the
4 information necessary to demonstrate that the agency has
5 satisfied program eligibility requirements and provided
6 all information requested or needed by the Department,
7 including the number of hours worked by home care staff
8 and other information necessary for the Department to
9 calculate the amount of credit permitted; and

10 (2) agree to provide names, employer identification
11 numbers, amounts that the employer may claim, and other
12 information necessary for the Department to calculate the
13 tax credit under this Section.

14 The Department shall award the tax credit by issuance of a
15 certificate of tax credit to the agency. The agency shall
16 attach the certificate of tax credit to its Illinois income
17 tax return.

18 (c) The tax credit may not reduce the taxpayer's liability
19 to less than zero. If the amount of the tax credit exceeds the
20 tax liability for the year, the excess credit amount may be
21 carried forward and applied to the tax liability of the 5
22 taxable years following the excess credit year. The credit
23 must be applied to the earliest year for which there is a tax
24 liability. If there are credits from more than one tax year
25 that are available to offset a liability, then the earlier
26 credit must be applied first.

1 (d) For partners of partnerships and shareholders of
2 Subchapter S corporations, there shall be allowed a credit
3 under this Section to be determined in accordance with the
4 determination of income and distributive share of income under
5 Sections 702 and 704 and Subchapter S of the Internal Revenue
6 Code.

7 (e) This Section is exempt from the provisions of Section
8 250 of the Illinois Income Tax Act.

9 Section 20. Income tax credit for home care staff.

10 (a) For tax years beginning on or after January 1, 2024,
11 the Department shall award credits against the taxes imposed
12 by subsections (a) and (b) of Section 201 of the Illinois
13 Income Tax Act to individuals who are employed as home care
14 staff in part-time and full-time positions in Illinois during
15 the taxable year. To qualify for the credit, the taxpayer must
16 have been employed as home care staff, in a part-time or a
17 full-time position, for a period of at least 12 consecutive
18 months during the taxable year during which the credit is
19 sought, whether that employment is with a single agency or
20 more than one agency. Taxpayers who are eligible for a credit
21 under this Section must apply to the Department, in the form
22 and manner prescribed by the Department, to claim a credit
23 under this Section. The Department shall award the tax credit
24 by issuance of a certificate of tax credit to the taxpayer. The
25 taxpayer shall attach the certificate of tax credit to his or

1 her Illinois income tax return.

2 (b) The credit awarded under this Section may not exceed
3 20% of the portion of the taxpayer's federal adjusted gross
4 income attributable to the taxpayer's employment in this State
5 as home care staff during the taxable year, not to exceed
6 \$2,000 for any taxpayer in any taxable year. The aggregate
7 amount of all credits the Department may award under this
8 Section in any calendar year may not exceed \$2,000,000.

9 (c) The tax credit may not reduce the taxpayer's liability
10 to less than zero. If the amount of the tax credit exceeds the
11 tax liability for the year, the excess credit amount may be
12 refunded to the taxpayer.

13 (d) This Section is exempt from the provisions of Section
14 250 of the Illinois Income Tax Act.

15 Section 25. Advisory Council on Care in the Home
16 Workforce. The Advisory Council on Care in the Home Workforce
17 is created within the Department of Public Health. The Council
18 shall consist of 15 members appointed by the Governor, with
19 the advice and consent of the Senate. The Council shall
20 include a balanced representation of (i) recipients of home
21 care or their family members, (ii) home care staff, (iii)
22 employers, (iv) representatives of units of local government,
23 (v) community and welfare advocacy groups, (vi) members of
24 academia, (vii) a trade association representing agencies,
25 (viii) representatives from State agencies, including the

1 Department of Healthcare and Family Services, the Department
2 of Human Services, and the Department on Aging, and (ix) the
3 general public. The Council shall advise the Department of
4 Public Health regarding the impact of this Act on the
5 employment of home care staff.

6 Initial appointments shall be made within 6 months after
7 the effective date of this Act. Of the initial members
8 appointed under this Section, 8 members shall serve for 2-year
9 terms, and 7 members shall serve for 4-year terms. Members
10 shall serve without compensation but may be reimbursed for
11 reasonable and necessary expenses actually incurred in the
12 performance of their official duties as members of the
13 Council. At its first meeting, the Council shall select a
14 chair from among its members. The Council shall meet at least
15 quarterly and at other times at the call of the chair.

16 Section 30. Rulemaking. The Department of Public Health
17 may adopt rules for the implementation and administration of
18 this Act.

19 Section 900. The Illinois Income Tax Act is amended by
20 adding Sections 234 and 235 as follows:

21 (35 ILCS 5/234 new)

22 Sec. 234. Credit for home health agencies. Agencies that
23 employ home care staff in Illinois are entitled to a credit

1 against the taxes imposed by subsections (a) and (b) of
2 Section 201 as provided in Section 15 of the Building a Care in
3 the Home Workforce Act. This Section is exempt from the
4 provisions of Section 250.

5 (35 ILCS 5/235 new)

6 Sec. 235. Credit for home care staff. Home care staff are
7 entitled to a credit against the taxes imposed by subsections
8 (a) and (b) of Section 201 as provided in Section 20 of the
9 Building a Care in the Home Workforce Act. This Section is
10 exempt from the provisions of Section 250.

11 Section 999. Effective date. This Act takes effect upon
12 becoming law.