

AN ACT concerning regulation.

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

Section 1. Findings. The General Assembly finds that:

(1) The health, safety, and welfare of residents of assisted living establishments and shared housing establishments are paramount concerns of the General Assembly.

(2) Residents of such establishments often rely on referrals from the establishment for necessary home services.

(3) Utilizing untrained or unlicensed home services providers poses a significant risk of harm to vulnerable residents, including improper care, neglect, or financial exploitation.

(4) Ensuring that all referred home services providers are licensed under the Home Health, Home Services, and Home Nursing Agency Licensing Act is necessary to ensure a minimum standard of competency, training, and accountability.

Section 5. The Assisted Living and Shared Housing Act is amended by adding Sections 30.5 and 81 as follows:

(210 ILCS 9/30.5 new)

Sec. 30.5. Referral of licensed home services providers.

(a) In this Section, "referral" means the act of directing a resident, verbally or in writing, to a specific service provider with whom the establishment does not have a contractual arrangement.

(b) An establishment shall only make referrals to its residents for home services providers that are licensed under the Home Health, Home Services, and Home Nursing Agency Licensing Act.

(210 ILCS 9/81 new)

Sec. 81. Public safety announcement.

(a) The Department shall distribute to each establishment and publish on its website a one-page flyer that shall, at a minimum, contain the following information:

- (1) important information about choosing caregivers;
- (2) an explanation of the differences between licensed and unlicensed home care and home health providers;
- (3) common risks associated with unlicensed home care and home health providers; and
- (4) information on how to verify if an agency is licensed through the State of Illinois.

(b) The establishment shall provide the flyer to any resident who is referred to home care services or who requests a referral for home care services.

Section 10. The Community Living Facilities Licensing Act is amended by adding Sections 5.6 and 8.7 as follows:

(210 ILCS 35/5.6 new)

Sec. 5.6. Referral of licensed home services providers.

(a) In this Section, "referral" means the act of directing a resident, verbally or in writing, to a specific service provider with whom the Community Living Facility does not have a contractual arrangement.

(b) A Community Living Facility shall only make referrals to its residents for home services providers that are licensed under the Home Health, Home Services, and Home Nursing Agency Licensing Act.

(210 ILCS 35/8.7 new)

Sec. 8.7. Public safety announcement.

(a) The Department shall distribute to each Community Living Facility and publish on its website a one-page flyer that shall, at a minimum, contain the following information:

- (1) important information about choosing caregivers;
- (2) an explanation of the differences between licensed and unlicensed home care and home health providers;
- (3) common risks associated with unlicensed home care and home health providers; and
- (4) information on how to verify if an agency is

licensed through the State of Illinois.

(b) The Community Living Facility shall provide the flyer to any resident who is referred to home care services or who requests a referral for home care services.

Section 15. The Life Care Facilities Act is amended by changing Section 10.4 and by adding Section 10.5 as follows:

(210 ILCS 40/10.4)

Sec. 10.4. Provision of at-home continuing care.

(a) The Department shall adopt rules that:

(1) establish standards for providers of at-home continuing care;

(2) provide for the certification and registration of providers of at-home continuing care and the annual renewal of certificates of registration;

(3) provide for and encourage the establishment of at-home continuing care programs;

(4) set minimum requirements for any individual who is employed by or under contract with a provider of at-home continuing care and who will enter a provider of at-home continuing care's subscriber's home to provide at-home continuing care services, including requirements for criminal background checks of such an individual who will have routine, direct access to a subscriber;

(5) establish standards for the renewal of

certificates of registration for providers of at-home continuing care;

(6) establish standards for the number of executed agreements necessary to begin operation as a provider of at-home continuing care;

(7) establish standards for when and how a provider of at-home continuing care or a subscriber may rescind an at-home continuing care agreement before at-home continuing care services are provided to the subscriber;

(8) allow a subscriber to rescind an agreement for at-home continuing care services at any time if the terms of the agreement violate this Section;

(9) establish that a provider may terminate an agreement to provide at-home continuing care services or discharge a subscriber only for just cause; and

(10) establish procedures to carry out a termination or discharge under paragraph (9).

(b) The Department shall certify and register a person as a provider of at-home continuing care services under this Section if the Department determines that:

(1) a reasonable financial plan has been developed to provide at-home continuing care services, including a plan for the number of agreements to be executed before beginning operation;

(2) a market for the at-home continuing care program exists;

(3) the provider has submitted all proposed advertisements, advertising campaigns, and other promotional materials for the program;

(4) the form and substance of all advertisements, advertising campaigns, and other promotional materials submitted are not deceptive, misleading, or likely to mislead; and

(5) an actuarial forecast supports the market for the program.

(c) A provider may not enter into an agreement to provide at-home continuing care services until the Department issues a preliminary certificate of registration to the provider. An application for a preliminary certificate of registration shall:

(1) be filed in a form determined by the Department by rule; and

(2) include:

(A) a copy of the proposed at-home continuing care agreement; and

(B) the form and substance of any proposed advertisements, advertising campaigns, or other promotional materials for the program that are available at the time of filing the application and that have not been filed previously with the Department.

(d) The Department shall issue a preliminary certificate

of registration to a provider under subsection (c) if the Department determines that:

(1) the proposed at-home continuing care agreement is satisfactory;

(2) the provider has submitted all proposed advertisements, advertising campaigns, and other promotional materials for the program; and

(3) the form and substance of all advertisements, advertising campaigns, and other promotional materials submitted are not deceptive, misleading, or likely to mislead.

(e) A person may not provide at-home continuing care services until the Department issues a certificate of registration to the person. An application for a certificate of registration shall:

(1) be filed in a form determined by the Department by rule; and

(2) include:

(A) verification that the required number of agreements has been executed;

(B) the form and substance of any proposed advertisements, advertising campaigns, or other promotional materials for the program that are available at the time of filing and that have not been filed previously with the Department; and

(C) verification that any other license or

certificate required by other appropriate State units has been issued to the provider.

(f) The Department shall issue a certificate of registration to a provider under subsection (e) if the Department determines that:

(1) the information and documents submitted and application for a preliminary certificate of registration are current and accurate or have been updated to make them accurate;

(2) the required agreements have been executed;

(3) any other license or certificate required by other appropriate State units has been issued to the provider;

(4) the provider has submitted all proposed advertisements, advertising campaigns, and other promotional materials for the program; and

(5) the material submitted is not an advertisement, advertising campaign, or other promotional material that is deceptive, misleading, or likely to mislead.

If a provider intends to advertise before the Department issues a certificate of registration, the provider shall submit to the Department any advertisement, advertising campaign, or other promotional material before using it.

(f-5) In this subsection, "referral" means the act of directing a resident, verbally or in writing, to a specific service provider with whom the facility does not have a contractual arrangement. A facility shall only make referrals

to its residents for providers of at-home continuing care, or other home service providers, that are licensed under the Home Health, Home Services, and Home Nursing Agency Licensing Act.

(g) Every 2 years, within 120 days after the end of a provider's fiscal year, a provider shall file an application for a renewal certificate of registration with the Department. The application shall:

(A) be filed in a form determined by the Department by rule; and

(B) contain any reasonable and pertinent information that the Department requires.

(h) The Department shall issue a renewal certificate of registration under subsection (g) if the Department determines that:

(1) all required documents have been filed and are satisfactory;

(2) any revised agreements for at-home continuing care services meet the Department's requirements;

(3) the provider has submitted all proposed advertisements, advertising campaigns, and other promotional materials for the program; and

(4) the form and substance of all advertisements, advertising campaigns, and other promotional materials submitted are not deceptive, misleading, or likely to mislead.

(i) The Department may deny, suspend, or revoke a

preliminary, initial, or renewal certificate of registration under this Section for cause. The Department shall set forth in writing its reasons for a denial, suspension, or revocation. A provider may appeal a denial in writing. Grounds for a denial, suspension, or revocation include, but are not limited to:

- (1) violation of this Section;
- (2) violation of a rule adopted by the Department under this Section;
- (3) misrepresentation; or
- (4) submission of false information.

(Source: P.A. 103-332, eff. 1-1-24; 103-605, eff. 7-1-24.)

(210 ILCS 40/10.5 new)

Sec. 10.5. Public safety announcement.

(a) The Department shall distribute to each facility and publish on its website a one-page flyer that shall, at a minimum, contain the following information:

- (1) important information about choosing caregivers;
- (2) an explanation of the differences between licensed and unlicensed home care and home health providers;
- (3) common risks associated with unlicensed home care and home health providers; and
- (4) information on how to verify if an agency is licensed through the State of Illinois.

(b) The facility shall provide the flyer to any resident

Public Act 104-0666

HB4612 Enrolled

LRB104 18371 BAB 31813 b

who is referred to home care services or who requests a
referral for home care services.

Section 99. Effective date. This Act takes effect January
1, 2027.