



ILLINOIS DEPARTMENT OF LABOR

JB PRITZKER
GOVERNOR

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ACTING DIRECTOR

NOTICE: NEW NURSE AGENCY REQUIREMENTS EFFECTIVE JULY 1st 2022

Nurse Agency Administrators:

Effective, July 1st, 2022 and subject Public Act 102-0946 (“Act”), all nurse agencies (“Agency” or “Agencies”), as defined in 225 ILCS 510/3, who **employ, assign or refer** nurses or certified nurses aides to a healthcare facility for a fee will be subject to the following provisions involving contracts, reporting and licensing requirements for new applications and the renewal applications of licenses.¹ Please be advised, the Department is in the process of developing rules subject to new requirements of the Act. This is developing guidance.

Employment, Assignment or Referral of Nurses

- Prior to employing, assigning, or referring a certified nurse aide, Agencies shall review the Health Care Worker Registry to verify if the certified nurse aide is not ineligible for a position to be hired by health care employers or long-term care facilities pursuant to Section 25 of the Health Care Worker Background Check Act (225 ILCS 46/25).
- A link to the Illinois Department Public Health’s website regarding the Health Care Worker Registry can be found here: <https://dph.illinois.gov/topics-services/health-care-regulation/health-care-worker-registry.html>

Submission of Contracts

- Contracts entered into on or after July 1, 2022 must be provided to the Department within 5 (five) business days of their effective date by any entity who employs, assigns or refers nurses or certified nurse aids to a health care facility for a fee by uploading documents through the Department’s Nurse Agency Licensing Act webpage: <https://www2.illinois.gov/idol/Laws-Rules/FLS/Pages/Nurse-Agency-Licensing-Act.aspx>
- Master Agreements and Material Amendments must be provided and labeled with the name of the health care facility (end user) in a PDF format. Dates covered for each contract are required.
- In the event of a technical difficulties, contracts may be e-mailed to DOL.NurseAgency@illinois.gov.
- Contracts entered into on or after July 1, 2022 must contain the following components:

¹ "Nurse agency" means any individual, firm, corporation, partnership or other legal entity that **employs, assigns or refers nurses or certified nurse aides to a health care facility for a fee**. The term "nurse agency" includes nurses registries. The term "nurse agency" does not include services provided by home health agencies licensed and operated under the Home Health, Home Services, and Home Nursing Agency Licensing Act or a licensed or certified individual who provides his or her own services as a regular employee of a health care facility, nor does it apply to a health care facility's organizing nonsalaried employees to provide services only in that facility. Source: 225 ILCS 510/3

(Note: Agencies are encouraged to seek legal counsel to ensure contracts contain the following provisions and should reference [Section 14.3 of the Act](#)):

- Disclosure of charges and compensation;
- A schedule of all hourly bill rates per category of employee;
- A full description of administrative charges;
- A schedule of rates of all compensation per category of employee, including, but not limited to, hourly regular pay rate, shift differential, weekend differential, hazard pay, charge nurse add-on, overtime, holiday pay, and travel or mileage pay
- Confirmation that the Agency has determined that nurses or certified nurse aides to be employed, assigned, or referred to a health care facility by the Agency are able to perform any and all duties called for within the full scope of practice for which the nurse or certified nurse aide is licensed or certified.
- A specific provision specifying that no less than 100% of the nurse or certified nurse aide hourly rate are paid to the nurse or certified nurse aide employee.

Submission of Invoices

- After July 1, 2022, Agencies must provide invoice information through an on-line portal provided on the Department's Nurse Agency Licensing Act webpage: <https://www2.illinois.gov/idol/Laws-Rules/FLS/Pages/Nurse-Agency-Licensing-Act.aspx>
- Further instructions and training will be forthcoming.
- Agencies should upload invoice data in a csv format. Excel can be used to create csv format files. The following invoice data is requested:
 - Invoice number (unique identifier)
 - Amount of invoice
 - Date invoice was issued to health care facility (end user)
 - Description of services
 - Time period covered for services
 - Name of Facility
- All original invoices must be maintained and, upon request from the Department, be submitted by any Agency who employs, assigns or refers nurses and certified nurses aides for the Department's review.

Non-Compete Provisions - Agencies are prohibited from entering into covenants *not to compete* with nurses and certified nurse aides. A covenant not to compete entered into on or after July 1, 2022 is illegal and void.

Prohibited Fees - Agencies' contracts with any employee or health care facility entered into on or after July 1, 2022 shall not require the payment of liquidated damages, conversion fees, employment fees, buy-out fees, placement fees, or other compensation if the employee is hired as a permanent employee of a health care facility.

Application Requirements - Refer to the Application Requirements on the Department's website. New requirements, in addition to existing requirements to obtain a nurse license, are as follows:

- **New Applicants:**

Regular requirements provided in Section 5 Nos.1-9 and 6 (225 ILCS 510) including the following *new requirements*:

- Identify if an applicant is a Corporation or Limited Liability Company. If so, submit copies of articles of incorporation or organization along with the names and addresses of its officers, directors, and shareholders who own more than 5% of corporation stock or membership units.
- General and Professional Liability insurance of at least \$1 million per incident or \$3 million in aggregate.
- Worker's Compensation Coverage for all nurses and certified nursing aides.

Agencies should continue to download the Revised PDF application on the Department's website to apply for a license.

- **Renewals Applicants:** Regular requirements provided in Sections 5, 6 and 7 (225 ILCS 510) and *new requirements to renew a license* are as follows:

- Copies of all currently effective contracts with health care facilities. Such contracts must be uploaded on the Department's Nurse Agency Licensing Act webpage and labeled with the healthcare facility (end user) name in PDF format:
<https://www2.illinois.gov/idol/Laws-Rules/FLS/Pages/Nurse-Agency-Licensing-Act.aspx>.
- In the event of technical difficulties, contracts may be e-mailed to DOL.NurseAgency@illinois.gov.
- An Attestation form for each contract detailing the number of contracted shifts, number of shifts missed, number of shifts fulfilled for the three (3) quarters preceding the application date. Please download the Attestation Form on the Department's website with instructions which should be attached to the application form.
- General and Professional Liability insurance of at least \$1 million per incident or \$3 million in aggregate.
- Worker's Compensation Coverage for all nurses and certified nursing aides.

Guidance on submission involving Quarterly Reports will be provided at a later date.

For a full text of Public Act 102-0946:

<https://ilga.gov/legislation/publicacts/fulltext.asp?Name=102-0946>

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