

Frequently Asked Questions

Q. How soon will this law take effect?

A. The law became effective on January 1, 2006.

Illinois Department of Public Health will adopt standards by January 2008.

Home Services and Home Nursing agencies must be licensed by September 1, 2008.

Q. How will this law affect professionals who work with clients needing care at home?

A. Attorneys, Trust Officers, Social Workers, Nurses, Physicians, Hospital Discharge Planners, Care Managers, and Guardians will need to know the law. Clients will need to be informed and advised about changes in the law that may impact their home care choices.

Q. We offer our patients/clients a list of home care providers and sometimes brochures, but we allow them to make their own choice. Will we have to make changes in how we offer home care resources?

A. Anyone who acts as an advisor or advocate for clients who may need home care services, will have an obligation to offer/provide information about agencies that are in compliance with Illinois law. Licensed agencies will have a license number issued by the Illinois Department of Public Health.

Q. Our organization's resource list includes home care providers licensed by the Illinois Department of Labor. Can that license be used in place of the Illinois Department of Public Health license?

A. No. The Illinois Department of Public Health is the only licensing body for home health, home nursing and home services agencies.

Q. Are there any exemptions?

A. Yes. Agencies exempt from licensure include those who limit service to the Community Care Program of the Illinois Department on Aging or the Department of Human Services Office of Rehabilitation Services. Agencies limiting their business to housecleaning services are also exempt.

Q. Will my clients still be able to hire an independent contractor to provide personal and or skilled care in the home?

A. Yes. Consumers may still choose to hire caregivers privately without the assistance of an agency. In those cases, consumers incur all the responsibility and liabilities of an employer.

Q. Will agencies be able to advertise or offer services that are defined in the legislation as home services or home nursing without having a license?

A. No. Agencies operating without a license will be subject to fines and penalties.

Q. When an agency fails to perform according to the standards put forth in the license, is there a process in place for making a complaint?

A. The Illinois Department of Public Health is the agency responsible for responding to complaints.

Q. What are the potential benefits for the consumer?

A. This bill will help protect the increasing number of seniors who need assistance and choose to live at home.

- All agencies must comply with the Health Care Worker Background Check Act (criminal background checks for all home care workers).
- Agencies must provide consumers with written notification stating who legally employs the worker, including who is responsible for mandated taxes and day to day supervision of the worker.
- Consumers can expect consistent standards. Agencies must comply with education, training , reporting and supervisory requirements as dictated by their level of licensure and scope of services.
- Home care agencies and home care workers must report any known or suspected incidences of abuse , neglect, or financial exploitation of an eligible adult as defined in the Elder Abuse Act.

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