



Illinois Department of Labor

Fair Labor Standards
Nurse Agency Licensing Act



Topics

- Overview of Changes Under Nurse Agency Licensing Act
- Contracts & Invoices
- NALA Portal
- Frequently Asked Questions
- Q & A

Who is a Nurse Agency?

- Effective July 1st, 2022, pursuant to Public Act 102-0946 (“Act”), all entities who, as outlined in 225 ILCS 510/13, **employ, assign, or refer** nurses or certified nurse aides to a healthcare facility for a fee are subject to the new Public Act and must therefore obtain a license through the IL Department of Labor.



Overview of Nurse Agency Licensing Act

Reporting to Department of Labor

- Contracts entered into on or after July 1st to be provided to Department within 5 business days
- Master Agreements & Material Amendments
- Invoices due to the Department (Monthly Basis)

Licensing Requirements

- General & Professional Liability - \$1M per incident for liability insurance, \$3M aggregate
- Worker's Compensation for all nurses & CNAs placed by agency
- Current Contracts
- Shift Fulfillment Attestation Form (Renewals)
- Identify names and addresses of Officers, Directors, and Shareholders who own more than 5% of corporation stock or membership units.

Contracts

- * **With Nurses:** Agencies are prohibited from entering into covenants not to compete with nurses and certified nurses aides after July 1, 2022
- * **With Facilities:** Contracts entered into after July 1st must not require the payment of fees if the employee is hired as a permanent employee of a health care facility

Overview of Changes under Nurse Agency Licensing Act (Continued)

Contracts entered into on or after July 1, 2022 must contain the following components:

Agencies are encouraged to seek legal advice on these provisions. The Department will not provide guidance on contracts between agencies and health care facilities. These provisions may be enforced through private right of action.

- 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 compensation rate is paid** to the nurse or certified nurse aide employee.

Contracts



Contracts must be submitted to the Department at the time of Renewal Registration and at the time contracts are entered into on or after July 1, 2022 (within 5 business days). Master and Material Amendment should be submitted



Agencies must utilize the Department's online portal to submit contracts



Contracts must be uploaded in PDF form and named by Facility name and time frame covered by the contract. Example: Health Facility 7/1/22-7/1/23.

Invoices



Invoice Data Must be Submitted Monthly and uploaded to IDOL's website.



First Submission is due **September 15, 2022** and every 15th of the month thereafter.



First Submission should cover invoice data (totals for each invoice) from July and August of 2022. The next Submission due is October 15th should cover September 2022 invoices.



Review the Invoice Template on the Department's website. The following data must be uploaded:

Facility (Identifier)

Invoice Number

TOTAL Invoice Amount

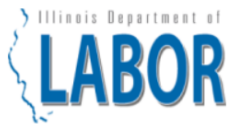
Start Date

End Date

Issue Date

Description of Services

How to Use the NALA Portal



Nurse Agency Licensing Act

Faz-Hup

Home
Facilities
Contracts
Invoices
Nurse Agency
Information
Profile Information

Welcome to the Nurse Agency Licensing Act Portal.

Please review all new requirements as part of the [new amendments](#) to the Nurse Agency Licensing Act and the [guidance](#) issued the Department effective July 1, 2022. Any nurse agency who employs, assigns or refers nurses or certified nurses aides to a healthcare facility for a fee will be required to submit their information through this portal. At this time, the portal is available for nurse agencies to do the following:

- **Upload contracts with facilities**
- **Upload invoice data**

The Department will host webinars to review the guidance and provide technical instruction on how to upload these requirements during the month of July. Information about those webinars are forthcoming and will be issued to all licensed nurse agencies. To apply or renew a license, please continue to utilize the application made available on the Department's [website](#). Please note the new requirements as provided in the Department's [guidance](#) to obtain a new or renew a license.

Thank you for your attention to these important requirements.

If you need assistance, please e-mail DoL.NurseAgency@Illinois.gov.

Questions?: Please Type into Chat Box



- Please check our website for important updates:
- <https://www2.illinois.gov/idol>
- Thank you!

