



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB4891**

by Rep. William Davis

#### SYNOPSIS AS INTRODUCED:

20 ILCS 3960/4

from Ch. 111 1/2, par. 1154

Amends the Illinois Health Facilities Planning Act. Provides that a majority of the filled appointments, but no less than 4 appointed members, to the Health Facilities and Services Review Board (currently, 5 members) shall constitute a quorum. Provides that the affirmative vote of the majority of the filled appointments, but no less than 4 appointed members, (currently, 5 members) shall be necessary for any action requiring a vote to be taken by the State Board. Effective immediately.

LRB100 18675 RJF 33903 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 5. The Illinois Health Facilities Planning Act is  
5 amended by changing Section 4 as follows:

6 (20 ILCS 3960/4) (from Ch. 111 1/2, par. 1154)

7 (Section scheduled to be repealed on December 31, 2019)

8 Sec. 4. Health Facilities and Services Review Board;  
9 membership; appointment; term; compensation; quorum.

10 Notwithstanding any other provision in this Section, members of  
11 the State Board holding office on the day before the effective  
12 date of this amendatory Act of the 96th General Assembly shall  
13 retain their authority.

14 (a) There is created the Health Facilities and Services  
15 Review Board, which shall perform the functions described in  
16 this Act. The Department shall provide operational support to  
17 the Board as necessary, including the provision of office  
18 space, supplies, and clerical, financial, and accounting  
19 services. The Board may contract for functions or operational  
20 support as needed. The Board may also contract with experts  
21 related to specific health services or facilities and create  
22 technical advisory panels to assist in the development of  
23 criteria, standards, and procedures used in the evaluation of

1 applications for permit and exemption.

2 (b) Beginning March 1, 2010, the State Board shall consist  
3 of 9 voting members. All members shall be residents of Illinois  
4 and at least 4 shall reside outside the Chicago Metropolitan  
5 Statistical Area. Consideration shall be given to potential  
6 appointees who reflect the ethnic and cultural diversity of the  
7 State. Neither Board members nor Board staff shall be convicted  
8 felons or have pled guilty to a felony.

9 Each member shall have a reasonable knowledge of the  
10 practice, procedures and principles of the health care delivery  
11 system in Illinois, including at least 5 members who shall be  
12 knowledgeable about health care delivery systems, health  
13 systems planning, finance, or the management of health care  
14 facilities currently regulated under the Act. One member shall  
15 be a representative of a non-profit health care consumer  
16 advocacy organization. A spouse, parent, sibling, or child of a  
17 Board member cannot be an employee, agent, or under contract  
18 with services or facilities subject to the Act. Prior to  
19 appointment and in the course of service on the Board, members  
20 of the Board shall disclose the employment or other financial  
21 interest of any other relative of the member, if known, in  
22 service or facilities subject to the Act. Members of the Board  
23 shall declare any conflict of interest that may exist with  
24 respect to the status of those relatives and recuse themselves  
25 from voting on any issue for which a conflict of interest is  
26 declared. No person shall be appointed or continue to serve as

1 a member of the State Board who is, or whose spouse, parent,  
2 sibling, or child is, a member of the Board of Directors of,  
3 has a financial interest in, or has a business relationship  
4 with a health care facility.

5 Notwithstanding any provision of this Section to the  
6 contrary, the term of office of each member of the State Board  
7 serving on the day before the effective date of this amendatory  
8 Act of the 96th General Assembly is abolished on the date upon  
9 which members of the 9-member Board, as established by this  
10 amendatory Act of the 96th General Assembly, have been  
11 appointed and can begin to take action as a Board. Members of  
12 the State Board serving on the day before the effective date of  
13 this amendatory Act of the 96th General Assembly may be  
14 reappointed to the 9-member Board. Prior to March 1, 2010, the  
15 Health Facilities Planning Board shall establish a plan to  
16 transition its powers and duties to the Health Facilities and  
17 Services Review Board.

18 (c) The State Board shall be appointed by the Governor,  
19 with the advice and consent of the Senate. Not more than 5 of  
20 the appointments shall be of the same political party at the  
21 time of the appointment.

22 The Secretary of Human Services, the Director of Healthcare  
23 and Family Services, and the Director of Public Health, or  
24 their designated representatives, shall serve as ex-officio,  
25 non-voting members of the State Board.

26 (d) Of those 9 members initially appointed by the Governor

1 following the effective date of this amendatory Act of the 96th  
2 General Assembly, 3 shall serve for terms expiring July 1,  
3 2011, 3 shall serve for terms expiring July 1, 2012, and 3  
4 shall serve for terms expiring July 1, 2013. Thereafter, each  
5 appointed member shall hold office for a term of 3 years,  
6 provided that any member appointed to fill a vacancy occurring  
7 prior to the expiration of the term for which his or her  
8 predecessor was appointed shall be appointed for the remainder  
9 of such term and the term of office of each successor shall  
10 commence on July 1 of the year in which his predecessor's term  
11 expires. Each member appointed after the effective date of this  
12 amendatory Act of the 96th General Assembly shall hold office  
13 until his or her successor is appointed and qualified. The  
14 Governor may reappoint a member for additional terms, but no  
15 member shall serve more than 3 terms, subject to review and  
16 re-approval every 3 years.

17 (e) State Board members, while serving on business of the  
18 State Board, shall receive actual and necessary travel and  
19 subsistence expenses while so serving away from their places of  
20 residence. Until March 1, 2010, a member of the State Board who  
21 experiences a significant financial hardship due to the loss of  
22 income on days of attendance at meetings or while otherwise  
23 engaged in the business of the State Board may be paid a  
24 hardship allowance, as determined by and subject to the  
25 approval of the Governor's Travel Control Board.

26 (f) The Governor shall designate one of the members to

1 serve as the Chairman of the Board, who shall be a person with  
2 expertise in health care delivery system planning, finance or  
3 management of health care facilities that are regulated under  
4 the Act. The Chairman shall annually review Board member  
5 performance and shall report the attendance record of each  
6 Board member to the General Assembly.

7 (g) The State Board, through the Chairman, shall prepare a  
8 separate and distinct budget approved by the General Assembly  
9 and shall hire and supervise its own professional staff  
10 responsible for carrying out the responsibilities of the Board.

11 (h) The State Board shall meet at least every 45 days, or  
12 as often as the Chairman of the State Board deems necessary, or  
13 upon the request of a majority of the members.

14 (i) A majority of the filled appointments to ~~Five members~~  
15 ~~of the State Board, but no less than 4 appointed members,~~ shall  
16 constitute a quorum. The affirmative vote of the majority of  
17 the filled appointments, but no less than 4 appointed members,  
18 ~~5 of the members of the State Board~~ shall be necessary for any  
19 action requiring a vote to be taken by the State Board. A  
20 vacancy in the membership of the State Board shall not impair  
21 the right of a quorum to exercise all the rights and perform  
22 all the duties of the State Board as provided by this Act.

23 (j) A State Board member shall disqualify himself or  
24 herself from the consideration of any application for a permit  
25 or exemption in which the State Board member or the State Board  
26 member's spouse, parent, sibling, or child: (i) has an economic

1 interest in the matter; or (ii) is employed by, serves as a  
2 consultant for, or is a member of the governing board of the  
3 applicant or a party opposing the application.

4 (k) The Chairman, Board members, and Board staff must  
5 comply with the Illinois Governmental Ethics Act.

6 (Source: P.A. 99-527, eff. 1-1-17.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.