



Rep. Barbara Flynn Currie

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09300HB7307ham004

LRB093 22682 AMC 52642 a

1 AMENDMENT TO HOUSE BILL 7307

2 AMENDMENT NO. _____. Amend House Bill 7307, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Health Facilities Planning Act is
6 amended by changing Sections 4, 4.2, and 19.6 as follows:

7 (20 ILCS 3960/4) (from Ch. 111 1/2, par. 1154)

8 (Section scheduled to be repealed on July 1, 2008)

9 Sec. 4. Health Facilities Planning Board; membership;
10 appointment; term; compensation; quorum. There is created the
11 Health Facilities Planning Board, which shall perform the
12 functions described in this Act.

13 The State Board shall consist of 5 voting members. Each
14 member shall have a reasonable knowledge of health planning,
15 health finance, or health care at the time of his or her
16 appointment. No person shall be appointed or continue to serve
17 as a member of the State Board who is, or whose spouse, parent,
18 or child is, a member of the Board of Directors of, has a
19 financial interest in, or has a business relationship with a
20 health care facility.

21 Notwithstanding any provision of this Section to the
22 contrary, the term of office of each member of the State Board
23 is abolished on the effective date of this amendatory Act of
24 the 93rd General Assembly and those members no longer hold

1 office.

2 ~~Notwithstanding any provision of this Section to the~~
3 ~~contrary, the term of office of each member of the State Board~~
4 ~~is abolished on the effective date of this amendatory Act of~~
5 ~~the 93rd General Assembly, but all incumbent members shall~~
6 ~~continue to exercise all of the powers and be subject to all of~~
7 ~~the duties of members of the State Board until all new members~~
8 ~~of the 9 member State Board authorized under this amendatory~~
9 ~~Act of the 93rd General Assembly are appointed and take office.~~
10 ~~Beginning on the effective date of this amendatory Act of the~~
11 ~~93rd General Assembly, the State Board shall consist of 9~~
12 ~~voting members.~~

13 The State Board shall be appointed by the Governor, with
14 the advice and consent of the Senate. Not more than 3 5 of the
15 appointments shall be of the same political party at the time
16 of the appointment. No person shall be appointed as a State
17 Board member if that person has served, after the effective
18 date of Public Act 93-41 ~~this amendatory Act of the 93rd~~
19 ~~General Assembly~~, 2 3-year terms as a State Board member,
20 except for ex officio non-voting members.

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

25 Of those members initially appointed by the Governor under
26 this amendatory Act of the 93rd General Assembly, 2 shall serve
27 for terms expiring July 1, 2005, 2 shall serve for terms
28 expiring July 1, 2006, and 1 shall serve for a term expiring
29 July 1, 2007. ~~Of those members initially appointed by the~~
30 ~~Governor under this amendatory Act of the 93rd General~~
31 ~~Assembly, 3 shall serve for terms expiring July 1, 2004, 3~~
32 ~~shall serve for terms expiring July 1, 2005, and 3 shall serve~~
33 ~~for terms expiring July 1, 2006.~~ Thereafter, each appointed
34 member shall hold office for a term of 3 years, provided that

1 any member appointed to fill a vacancy occurring prior to the
2 expiration of the term for which his or her predecessor was
3 appointed shall be appointed for the remainder of such term and
4 the term of office of each successor shall commence on July 1
5 of the year in which his predecessor's term expires. Each
6 member appointed after the effective date of this amendatory
7 Act of the 93rd General Assembly shall hold office until his or
8 her successor is appointed and qualified.

9 State Board members, while serving on business of the State
10 Board, shall receive actual and necessary travel and
11 subsistence expenses while so serving away from their places of
12 residence. A member of the State Board who experiences a
13 significant financial hardship due to the loss of income on
14 days of attendance at meetings or while otherwise engaged in
15 the business of the State Board may be paid a hardship
16 allowance, as determined by and subject to the approval of the
17 Governor's Travel Control Board.

18 The Governor shall designate one of the members to serve as
19 Chairman and shall name as full-time Executive Secretary of the
20 State Board, a person qualified in health care facility
21 planning and in administration. The Agency shall provide
22 administrative and staff support for the State Board. The State
23 Board shall advise the Director of its budgetary and staff
24 needs and consult with the Director on annual budget
25 preparation.

26 The State Board shall meet at least once each quarter, or
27 as often as the Chairman of the State Board deems necessary, or
28 upon the request of a majority of the members.

29 Three ~~Five~~ members of the State Board shall constitute a
30 quorum. The affirmative vote of 3 ~~5~~ of the members of the State
31 Board shall be necessary for any action requiring a vote to be
32 taken by the State Board. A vacancy in the membership of the
33 State Board shall not impair the right of a quorum to exercise
34 all the rights and perform all the duties of the State Board as

1 provided by this Act.

2 A State Board member shall disqualify himself or herself
3 from the consideration of any application for a permit or
4 exemption in which the State Board member or the State Board
5 member's spouse, parent, or child: (i) has an economic interest
6 in the matter; or (ii) is employed by, serves as a consultant
7 for, or is a member of the governing board of the applicant or
8 a party opposing the application.

9 (Source: P.A. 93-41, eff. 6-27-03.)

10 (20 ILCS 3960/4.2)

11 (Section scheduled to be repealed on July 1, 2008)

12 Sec. 4.2. Ex parte communications.

13 (a) Except in the disposition of matters that agencies are
14 authorized by law to entertain or dispose of on an ex parte
15 basis including, but not limited to rule making, the State
16 Board, any State Board member, employee, or a hearing officer
17 shall not engage in ex parte communication, ~~after an~~
18 ~~application for a permit is received,~~ in connection with the
19 substance of any pending or impending application for a permit
20 with any person or party or the representative of any party.
21 This subsection (a) applies when the Board, member, employee,
22 or hearing officer knows, or should know upon reasonable
23 inquiry, that the application is pending or impending.

24 (b) A State Board member or employee may communicate with
25 other members or employees and any State Board member or
26 hearing officer may have the aid and advice of one or more
27 personal assistants.

28 (c) An ex parte communication received by the State Board,
29 any State Board member, employee, or a hearing officer shall be
30 made a part of the record of the ~~pending~~ matter, including all
31 written communications, all written responses to the
32 communications, and a memorandum stating the substance of all
33 oral communications and all responses made and the identity of

1 each person from whom the ex parte communication was received.

2 (d) "Ex parte communication" means a communication between
3 a person who is not a State Board member or employee and a
4 State Board member or employee that reflects on the substance
5 of a pending or impending State Board proceeding and that takes
6 place outside the record of the proceeding. Communications
7 regarding matters of procedure and practice, such as the format
8 of pleading, number of copies required, manner of service, and
9 status of proceedings, are not considered ex parte
10 communications. Technical assistance with respect to an
11 application, not intended to influence any decision on the
12 application, may be provided by employees to the applicant. Any
13 assistance shall be documented in writing by the applicant and
14 employees within 10 business days after the assistance is
15 provided.

16 (e) For purposes of this Section, "employee" means a person
17 the State Board or the Agency employs on a full-time,
18 part-time, contract, or intern basis.

19 (f) The State Board, State Board member, or hearing
20 examiner presiding over the proceeding, in the event of a
21 violation of this Section, must take whatever action is
22 necessary to ensure that the violation does not prejudice any
23 party or adversely affect the fairness of the proceedings.

24 (g) Nothing in this Section shall be construed to prevent
25 the State Board or any member of the State Board from
26 consulting with the attorney for the State Board.

27 (Source: P.A. 91-782, eff. 6-9-00; revised 1-28-04.)

28 (20 ILCS 3960/19.6)

29 (Section scheduled to be repealed on July 1, 2008).

30 Sec. 19.6. Repeal. This Act is repealed on July 1, 2006
31 ~~2008~~.

32 (Source: P.A. 93-41, eff. 6-27-03.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".