



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2326

Introduced 1/12/2006, by Sen. Susan Garrett

SYNOPSIS AS INTRODUCED:

210 ILCS 28/45 new
210 ILCS 28/85 rep.
210 ILCS 45/3-103

from Ch. 111 1/2, par. 4153-103

Amends the Abuse Prevention Review Team Act and the Nursing Home Care Act. Provides that to the extent permitted by federal law, the Department of Public Health shall use moneys from fines paid by facilities licensed under the Nursing Home Care Act for violating requirements for certification under Titles XVIII and XIX of the Social Security Act to implement the Abuse Prevention Review Team Act. Provides that the Department shall use moneys deposited in the Long Term Care Monitor/Receiver Fund to pay the costs of implementing the Abuse Prevention Review Team Act that cannot be met by the use of federal civil monetary penalties. Repeals the provision that repeals the Abuse Prevention Review Team Act on July 1, 2006. Effective immediately.

LRB094 18573 DRJ 53911 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Abuse Prevention Review Team Act is amended
5 by adding Section 45 as follows:

6 (210 ILCS 28/45 new)

7 Sec. 45. Funding. Notwithstanding any other provision of
8 law, to the extent permitted by federal law, the Department
9 shall use moneys from fines paid by facilities licensed under
10 the Nursing Home Care Act for violating requirements for
11 certification under Titles XVIII and XIX of the Social Security
12 Act to implement the provisions of this Act. The Department
13 shall use moneys deposited in the Long Term Care
14 Monitor/Receiver Fund to pay the costs of implementing this Act
15 that cannot be met by the use of federal civil monetary
16 penalties.

17 (210 ILCS 28/85 rep.)

18 Section 6. The Abuse Prevention Review Team Act is amended
19 by repealing Section 85.

20 Section 10. The Nursing Home Care Act is amended by
21 changing Section 3-103 as follows:

22 (210 ILCS 45/3-103) (from Ch. 111 1/2, par. 4153-103)

23 Sec. 3-103. The procedure for obtaining a valid license
24 shall be as follows:

25 (1) Application to operate a facility shall be made to the
26 Department on forms furnished by the Department.

27 (2) All license applications shall be accompanied with an
28 application fee. The fee for an annual license shall be \$995.
29 Facilities that pay a fee or assessment pursuant to Article V-C

1 of the Illinois Public Aid Code shall be exempt from the
2 license fee imposed under this item (2). The fee for a 2-year
3 license shall be double the fee for the annual license set
4 forth in the preceding sentence. The fees collected shall be
5 deposited with the State Treasurer into the Long Term Care
6 Monitor/Receiver Fund, which has been created as a special fund
7 in the State treasury. This special fund is to be used by the
8 Department for expenses related to the appointment of monitors
9 and receivers as contained in Sections 3-501 through 3-517 of
10 this Act and for implementation of the Abuse Prevention Review
11 Team Act. At the end of each fiscal year, any funds in excess
12 of \$1,000,000 held in the Long Term Care Monitor/Receiver Fund
13 shall be deposited in the State's General Revenue Fund. The
14 application shall be under oath and the submission of false or
15 misleading information shall be a Class A misdemeanor. The
16 application shall contain the following information:

17 (a) The name and address of the applicant if an
18 individual, and if a firm, partnership, or association, of
19 every member thereof, and in the case of a corporation, the
20 name and address thereof and of its officers and its
21 registered agent, and in the case of a unit of local
22 government, the name and address of its chief executive
23 officer;

24 (b) The name and location of the facility for which a
25 license is sought;

26 (c) The name of the person or persons under whose
27 management or supervision the facility will be conducted;

28 (d) The number and type of residents for which
29 maintenance, personal care, or nursing is to be provided;
30 and

31 (e) Such information relating to the number,
32 experience, and training of the employees of the facility,
33 any management agreements for the operation of the
34 facility, and of the moral character of the applicant and
35 employees as the Department may deem necessary.

36 (3) Each initial application shall be accompanied by a

1 financial statement setting forth the financial condition of
2 the applicant and by a statement from the unit of local
3 government having zoning jurisdiction over the facility's
4 location stating that the location of the facility is not in
5 violation of a zoning ordinance. An initial application for a
6 new facility shall be accompanied by a permit as required by
7 the "Illinois Health Facilities Planning Act". After the
8 application is approved, the applicant shall advise the
9 Department every 6 months of any changes in the information
10 originally provided in the application.

11 (4) Other information necessary to determine the identity
12 and qualifications of an applicant to operate a facility in
13 accordance with this Act shall be included in the application
14 as required by the Department in regulations.

15 (Source: P.A. 93-32, eff. 7-1-03; 93-841, eff. 7-30-04.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.