



Sen. Bill Brady

Filed: 4/18/2008

09500HB5017sam001

LRB095 19601 HLH 49475 a

1 AMENDMENT TO HOUSE BILL 5017

2 AMENDMENT NO. _____. Amend House Bill 5017 on page 1, line
3 5, after "Sections", by inserting "4, 12,"; and

4 on page 1, immediately below line 5, by inserting the
5 following:

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

7 (Section scheduled to be repealed on August 31, 2008)

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

12 The State Board shall consist of 5 voting members. Each
13 member shall have a reasonable knowledge of health planning,
14 health finance, or health care at the time of his or her
15 appointment. No person shall be appointed or continue to serve
16 as a member of the State Board who is, or whose spouse, parent,

1 or child is, a member of the Board of Directors of, has a
2 financial interest in, or has a business relationship with a
3 health care facility.

4 Notwithstanding any provision of this Section to the
5 contrary, the term of office of each member of the State Board
6 is abolished on the effective date of this amendatory Act of
7 the 93rd General Assembly and those members no longer hold
8 office.

9 The State Board shall be appointed by the Governor, with
10 the advice and consent of the Senate. Not more than 3 of the
11 appointments shall be of the same political party at the time
12 of the appointment. No person shall be appointed as a State
13 Board member if that person has served, after the effective
14 date of Public Act 93-41, 2 3-year terms as a State Board
15 member, except for ex officio non-voting members.

16 The Secretary of Human Services, the Director of Healthcare
17 and Family Services, and the Director of Public Health, or
18 their designated representatives, shall serve as ex-officio,
19 non-voting members of the State Board.

20 Of those members initially appointed by the Governor under
21 this amendatory Act of the 93rd General Assembly, 2 shall serve
22 for terms expiring July 1, 2005, 2 shall serve for terms
23 expiring July 1, 2006, and 1 shall serve for a term expiring
24 July 1, 2007. Thereafter, each appointed member shall hold
25 office for a term of 3 years, provided that any member
26 appointed to fill a vacancy occurring prior to the expiration

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

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

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

25 The State Board shall meet at least once each quarter, or
26 as often as the Chairman of the State Board deems necessary, or

1 upon the request of a majority of the members.

2 Three members of the State Board shall constitute a
3 quorum. The affirmative vote of 3 of the members of the State
4 Board shall be necessary for any action requiring a vote to be
5 taken by the State Board. A vacancy in the membership of the
6 State Board shall not impair the right of a quorum to exercise
7 all the rights and perform all the duties of the State Board as
8 provided by this Act.

9 A State Board member shall disqualify himself or herself
10 from the consideration of any application for a permit or
11 exemption in which the State Board member or the State Board
12 member's spouse, parent, or child: (i) has an economic interest
13 in the matter; or (ii) is employed by, serves as a consultant
14 for, or is a member of the governing board of the applicant or
15 a party opposing the application.

16 (Source: P.A. 95-331, eff. 8-21-07.)

17 (20 ILCS 3960/12) (from Ch. 111 1/2, par. 1162)

18 (Section scheduled to be repealed on August 31, 2008)

19 Sec. 12. Powers and duties of State Board. For purposes of
20 this Act, the State Board shall exercise the following powers
21 and duties:

22 (1) Prescribe rules, regulations, standards, criteria,
23 procedures or reviews which may vary according to the purpose
24 for which a particular review is being conducted or the type of
25 project reviewed and which are required to carry out the

1 provisions and purposes of this Act.

2 (2) Adopt procedures for public notice and hearing on all
3 proposed rules, regulations, standards, criteria, and plans
4 required to carry out the provisions of this Act.

5 (3) Prescribe criteria for recognition for areawide health
6 planning organizations, including, but not limited to,
7 standards for evaluating the scientific bases for judgments on
8 need and procedure for making these determinations.

9 (4) Develop criteria and standards for health care
10 facilities planning, conduct statewide inventories of health
11 care facilities, maintain an updated inventory on the
12 Department's web site reflecting the most recent bed and
13 service changes and updated need determinations when new census
14 data become available or new need formulae are adopted, and
15 develop health care facility plans which shall be utilized in
16 the review of applications for permit under this Act. Such
17 health facility plans shall be coordinated by the Agency with
18 the health care facility plans areawide health planning
19 organizations and with other pertinent State Plans.
20 Inventories pursuant to this Section of skilled or intermediate
21 care facilities licensed under the Nursing Home Care Act or
22 nursing homes licensed under the Hospital Licensing Act shall
23 be conducted on an annual basis no later than July 1 of each
24 year and shall include among the information requested a list
25 of all services provided by a facility to its residents and to
26 the community at large and differentiate between active and

1 inactive beds.

2 In developing health care facility plans, the State Board
3 shall consider, but shall not be limited to, the following:

4 (a) The size, composition and growth of the population
5 of the area to be served;

6 (b) The number of existing and planned facilities
7 offering similar programs;

8 (c) The extent of utilization of existing facilities;

9 (d) The availability of facilities which may serve as
10 alternatives or substitutes;

11 (e) The availability of personnel necessary to the
12 operation of the facility;

13 (f) Multi-institutional planning and the establishment
14 of multi-institutional systems where feasible;

15 (g) The financial and economic feasibility of proposed
16 construction or modification; and

17 (h) In the case of health care facilities established
18 by a religious body or denomination, the needs of the
19 members of such religious body or denomination may be
20 considered to be public need.

21 The health care facility plans which are developed and
22 adopted in accordance with this Section shall form the basis
23 for the plan of the State to deal most effectively with
24 statewide health needs in regard to health care facilities.

25 (5) Coordinate with other state agencies having
26 responsibilities affecting health care facilities, including

1 those of licensure and cost reporting.

2 (6) Solicit, accept, hold and administer on behalf of the
3 State any grants or bequests of money, securities or property
4 for use by the State Board or recognized areawide health
5 planning organizations in the administration of this Act; and
6 enter into contracts consistent with the appropriations for
7 purposes enumerated in this Act.

8 (7) The State Board shall prescribe, in consultation with
9 the recognized areawide health planning organizations,
10 procedures for review, standards, and criteria which shall be
11 utilized to make periodic areawide reviews and determinations
12 of the appropriateness of any existing health services being
13 rendered by health care facilities subject to the Act. The
14 State Board shall consider recommendations of the areawide
15 health planning organization and the Agency in making its
16 determinations.

17 (8) Prescribe, in consultation with the recognized
18 areawide health planning organizations, rules, regulations,
19 standards, and criteria for the conduct of an expeditious
20 review of applications for permits for projects of construction
21 or modification of a health care facility, which projects are
22 non-substantive in nature. Such rules shall not abridge the
23 right of areawide health planning organizations to make
24 recommendations on the classification and approval of
25 projects, nor shall such rules prevent the conduct of a public
26 hearing upon the timely request of an interested party. Such

1 reviews shall not exceed 60 days from the date the application
2 is declared to be complete by the Agency.

3 (9) Prescribe rules, regulations, standards, and criteria
4 pertaining to the granting of permits for construction and
5 modifications which are emergent in nature and must be
6 undertaken immediately to prevent or correct structural
7 deficiencies or hazardous conditions that may harm or injure
8 persons using the facility, as defined in the rules and
9 regulations of the State Board. This procedure is exempt from
10 public hearing requirements of this Act.

11 (10) Prescribe rules, regulations, standards and criteria
12 for the conduct of an expeditious review, not exceeding 60
13 days, of applications for permits for projects to construct or
14 modify health care facilities which are needed for the care and
15 treatment of persons who have acquired immunodeficiency
16 syndrome (AIDS) or related conditions.

17 (11) Create a 3-member rules revision subcommittee, which
18 shall hold at least 2 rule revision meetings each year. The
19 rules revision meetings must allow all parties to offer rule
20 revision suggestions to the subcommittee. The rules revision
21 subcommittee shall report to the full Board at least annually
22 with any rule change recommendations.

23 (12) At least one Board member must be present at any
24 public hearing during which public testimony is given in
25 support of or in opposition to a certificate of need or a
26 certificate of exemption.

1 (Source: P.A. 93-41, eff. 6-27-03; 94-983, eff. 6-30-06.)".