



Rep. Dan Reitz

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LRB097 07241 RPM 53718 a

1 AMENDMENT TO HOUSE BILL 1380

2 AMENDMENT NO. _____. Amend House Bill 1380 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Public Health Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by changing Section 2310-130 as follows:

7 (20 ILCS 2310/2310-130) (was 20 ILCS 2310/55.82)

8 Sec. 2310-130. Medicare or Medicaid certification fee;
9 Health Care Facility and Program Survey Fund. To establish and
10 charge a fee to any facility or program applying to be
11 certified to participate in the Medicare program under Title
12 XVIII of the federal Social Security Act or in the Medicaid
13 program under Title XIX of the federal Social Security Act to
14 cover the costs associated with the application, inspection,
15 and survey of the facility or program and processing of the
16 application. The Department shall establish the fee by rule,

1 and the fee shall be based only on those application,
2 inspection, and survey and processing costs not reimbursed to
3 the State by the federal government. The fee shall be paid by
4 the facility or program before the application is processed.

5 The fees received by the Department under this Section
6 shall be deposited into the Health Care Facility and Program
7 Survey Fund, which is hereby created as a special fund in the
8 State treasury. Moneys in the Fund shall be appropriated to the
9 Department and may be used for any costs incurred by the
10 Department, including personnel costs, in the processing of
11 applications for Medicare or Medicaid certification.

12 Beginning July 1, 2011, the Department shall employ a
13 minimum of one surveyor for every 500 licensed long term care
14 beds. Beginning July 1, 2012, the Department shall employ a
15 minimum of one surveyor for every 400 licensed long term care
16 beds. Beginning July 1, 2013, the Department shall employ a
17 minimum of one surveyor for every 300 licensed long term care
18 beds.

19 The Department shall establish a surveyor training unit
20 funded from money deposited in the Long Term Care
21 Monitor/Receiver Fund.

22 (Source: P.A. 96-1372, eff. 7-29-10.)

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

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

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

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

6 (2) All license applications shall be accompanied with
7 an application fee. The fee for an annual license shall be
8 \$1,990. Facilities that pay a fee or assessment pursuant to
9 Article V-C of the Illinois Public Aid Code shall be exempt
10 from the license fee imposed under this item (2). The fee
11 for a 2-year license shall be double the fee for the annual
12 license. The fees collected shall be deposited with the
13 State Treasurer into the Long Term Care Monitor/Receiver
14 Fund, which has been created as a special fund in the State
15 treasury. This special fund is to be used by the Department
16 for expenses related to the appointment of monitors and
17 receivers as contained in Sections 3-501 through 3-517 of
18 this Act, for the enforcement of this Act, for expenses
19 related to surveyor training, and for implementation of the
20 Abuse Prevention Review Team Act. All federal moneys
21 received as a result of expenditures from the Fund shall be
22 deposited into the Fund. The Department may reduce or waive
23 a penalty pursuant to Section 3-308 only if that action
24 will not threaten the ability of the Department to meet the
25 expenses required to be met by the Long Term Care
26 Monitor/Receiver Fund. The application shall be under oath

1 and the submission of false or misleading information shall
2 be a Class A misdemeanor. The application shall contain the
3 following information:

4 (a) The name and address of the applicant if an
5 individual, and if a firm, partnership, or
6 association, of every member thereof, and in the case
7 of a corporation, the name and address thereof and of
8 its officers and its registered agent, and in the case
9 of a unit of local government, the name and address of
10 its chief executive officer;

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

13 (c) The name of the person or persons under whose
14 management or supervision the facility will be
15 conducted;

16 (d) The number and type of residents for which
17 maintenance, personal care, or nursing is to be
18 provided; and

19 (e) Such information relating to the number,
20 experience, and training of the employees of the
21 facility, any management agreements for the operation
22 of the facility, and of the moral character of the
23 applicant and employees as the Department may deem
24 necessary.

25 (3) Each initial application shall be accompanied by a
26 financial statement setting forth the financial condition

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

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

15 (Source: P.A. 96-758, eff. 8-25-09; 96-1372, eff. 7-29-10;
16 96-1504, eff. 1-27-11; 96-1530, eff. 2-16-11; revised
17 2-23-11.)".