



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2588

Introduced 5/30/2013, by Sen. Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

20 ILCS 5/5-20	was 20 ILCS 5/4
20 ILCS 5/5-165 rep.	
20 ILCS 5/5-395 rep.	
20 ILCS 2205/2205-20 new	
20 ILCS 2205/2205-25 new	
305 ILCS 5/12-1	from Ch. 23, par. 12-1

Amends the Department of Healthcare and Family Services Law of the Civil Administrative Code of Illinois. Creates the Illinois Healthcare and Family Services Board. Provides qualifications for the members of the Board, to be appointed by the Governor with the advice and consent of the Senate. Provides that the Board shall hire the Director of Healthcare and Family Services, and that the Board in its discretion may hire an Assistant Director of Healthcare and Family Services. Provides that the Board shall set the duties of the Director and the Assistant Director, including measureable performance standards based on providing statewide access to healthcare and family services and full implementation of the SMART Act (P.A. 97-689). Provides that the Department of Healthcare and Family Services as directed by the Board shall conduct an annual statewide survey of access to healthcare and family services, tracking the changes in access to healthcare and family services with a particular focus on underserved populations and areas within the State. Amends the Public Aid Code. Provides that the terms of office of the Director and Assistant Director of Healthcare and Family Services serving on the effective date of this amendatory Act of the 98th General Assembly shall end on March 1, 2014. Makes conforming changes. Amends the General Provisions and Departments of State Government Law of the Civil Administrative Code of Illinois. Makes conforming changes. Effective immediately.

LRB098 12363 JWD 46691 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 Civil Administrative Code of Illinois is
5 amended by changing Section 5-20 as follows:

6 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

7 Sec. 5-20. Heads of departments. Each department shall have
8 an officer as its head who shall be known as director or
9 secretary and who shall, subject to the provisions of the Civil
10 Administrative Code of Illinois, execute the powers and
11 discharge the duties vested by law in his or her respective
12 department.

13 The following officers are hereby created:

14 Director of Aging, for the Department on Aging.

15 Director of Agriculture, for the Department of
16 Agriculture.

17 Director of Central Management Services, for the
18 Department of Central Management Services.

19 Director of Children and Family Services, for the
20 Department of Children and Family Services.

21 Director of Commerce and Economic Opportunity, for the
22 Department of Commerce and Economic Opportunity.

23 Director of Corrections, for the Department of

1 Corrections.

2 Director of the Illinois Emergency Management Agency, for
3 the Illinois Emergency Management Agency.

4 Director of Employment Security, for the Department of
5 Employment Security.

6 Secretary of Financial and Professional Regulation, for
7 the Department of Financial and Professional Regulation.

8 ~~Director of Healthcare and Family Services, for the~~
9 ~~Department of Healthcare and Family Services.~~

10 Director of Human Rights, for the Department of Human
11 Rights.

12 Secretary of Human Services, for the Department of Human
13 Services.

14 Director of Juvenile Justice, for the Department of
15 Juvenile Justice.

16 Director of Labor, for the Department of Labor.

17 Director of Natural Resources, for the Department of
18 Natural Resources.

19 Director of Public Health, for the Department of Public
20 Health.

21 Director of Revenue, for the Department of Revenue.

22 Director of State Police, for the Department of State
23 Police.

24 Secretary of Transportation, for the Department of
25 Transportation.

26 Director of Veterans' Affairs, for the Department of

1 Veterans' Affairs.

2 (Source: P.A. 96-328, eff. 8-11-09; 97-464, eff. 10-15-11;
3 97-618, eff. 10-26-11; 97-813, eff. 7-13-12.)

4 (20 ILCS 5/5-165 rep.)

5 (20 ILCS 5/5-395 rep.)

6 Section 10. The Civil Administrative Code of Illinois is
7 amended by repealing Sections 5-165 and 5-395.

8 Section 15. The Department of Healthcare and Family
9 Services Law of the Civil Administrative Code of Illinois is
10 amended by adding Sections 2205-20 and 2205-25 as follows:

11 (20 ILCS 2205/2205-20 new)

12 Sec. 2205-20. Illinois Board of Healthcare and Family
13 Services.

14 (a) There is created the Illinois Board of Healthcare and
15 Family Services that shall exercise supervisory authority over
16 the operations and activities of the Department of Healthcare
17 and Family Services. The board shall consist of 7 members
18 appointed by the Governor with the advice and consent of the
19 Senate, who shall have the following qualifications: 3 members
20 representing underserved populations within the State, one of
21 whom shall represent the African-American community, and one of
22 whom shall represent the Hispanic community; 2 members
23 representing underserved areas within the State, one of whom

1 shall represent rural areas; one member who has at least 10
2 years of experience in providing healthcare and family services
3 in the private sector, whether for-profit or not-for-profit;
4 and one member who has at least 10 years of experience in
5 providing healthcare and family services in the public sector,
6 whether State or local.

7 (b) The terms of the members of the Illinois Board of
8 Healthcare and Family Services shall commence on January 1,
9 2014. Of the initial appointments, 3 members shall be appointed
10 for terms of 2 years, and 4 members shall be appointed for
11 terms of 4 years. Thereafter, all members shall be appointed
12 for terms of 4 years. Members are eligible for reappointment.

13 (c) Vacancies in terms shall be filled by appointment by
14 the Governor with the advice and consent of the Senate for the
15 extent of the unexpired term. If a vacancy in membership occurs
16 at a time when the Senate is not in session, the Governor shall
17 make a temporary appointment until the next meeting of the
18 Senate, when the Governor shall appoint a person to fill that
19 membership for the remainder of its term. If the Senate is not
20 in session when appointments for a full term are made, the
21 appointments shall be made as in the case of vacancies.

22 (d) Members shall serve without compensation, but may be
23 reimbursed for actual expenses from funds appropriated for that
24 purpose. No more than 4 members shall belong to the same
25 political party.

26 (e) The members shall elect from their number a

1 chairperson, and such other officers as they may select.

2 (f) No member of the Board shall serve as the Director or
3 Assistant Director of Healthcare and Family Services, either
4 during his or her term of office or for a period 2 years after
5 the end of his or her most recent term in office.

6 (20 ILCS 2205/2205-25 new)

7 Sec. 2205-25. Powers and duties of the Board.

8 (a) The Illinois Board of Healthcare and Family Services
9 shall determine the qualifications of and appoint the Director
10 of Healthcare and Family Services, who may be proposed by the
11 Governor and who shall serve at the pleasure of the Board
12 pursuant to a performance-based contract linked to the
13 statewide improvement of healthcare access for all populations
14 and areas, the implementation of the provisions of the SMART
15 Act (Public Act 97-689), any other requirements that may be set
16 by statute, and any other measureable criteria as the Board may
17 adopt. No contract entered into between the Board and the
18 Director under this Section may exceed 4 years, but a Director
19 shall continue to serve until his or her successor is
20 appointed. Each contract entered into under this Section with a
21 Director must provide that the Board may terminate the contract
22 for cause, and the Board shall not thereafter be liable for
23 further payments under the contract.

24 (b) The Board, in its sole discretion, may appoint an
25 Assistant Director of Healthcare and Family Services, who may

1 be proposed by the Governor and who shall serve at the pleasure
2 of the Board pursuant to a performance-based contract linked to
3 the statewide improvement of healthcare access for all
4 populations and areas, the implementation of the provisions of
5 the SMART Act (Public Act 97-689), any other requirements that
6 may be set by statute, and any other measureable criteria as
7 the Board may adopt. No contract entered into between the Board
8 and the Assistant Director under this Section may exceed 4
9 years, but an Assistant Director shall continue to serve until
10 his or her successor is appointed. Each contract entered into
11 under this Section with an Assistant Director must provide that
12 the Board may terminate the contract for cause, and the Board
13 shall not thereafter be liable for further payments under the
14 contract.

15 (c) The Board shall set the compensation of the Director
16 and the Assistant Director. The Board shall also establish the
17 duties, powers and responsibilities of the Director and the
18 Assistant Director, which shall be included in their respective
19 contracts under this Section.

20 (d) The Department of Healthcare and Family Services as
21 directed by the Board shall conduct a statewide annual survey
22 of access to healthcare and family services, including, but not
23 limited to, those provided, facilitated, or supported by the
24 Department of Healthcare and Family Services under the Illinois
25 Public Aid Code, and shall report the results of that survey to
26 the General Assembly and the Governor on February 1, 2015 and

1 on February 1 of each year thereafter. The Board shall use the
2 results of its annual survey of access to healthcare and family
3 services to identify underserved populations and areas
4 throughout the State, including changes in populations and
5 areas and their access to healthcare and family services, and
6 shall use this information to: (1) establish measureable
7 criteria for the performance-based contracts under subsections
8 (a) and (b) of this Section, and (2) determine the
9 effectiveness of the Director and Assistant Director in meeting
10 those measureable criteria.

11 Section 20. The Illinois Public Aid Code is amended by
12 changing Section 12-1 as follows:

13 (305 ILCS 5/12-1) (from Ch. 23, par. 12-1)

14 Sec. 12-1. Administration of Code; Department of
15 Healthcare and Family Services.

16 (a) This Code shall be administered by the Department of
17 Human Services and the Department of Healthcare and Family
18 Services (formerly Illinois Department of Public Aid) as
19 provided in the Department of Human Services Act.

20 (b) The Department of Healthcare and Family Services shall
21 be under the supervision and direction of the Director of
22 Healthcare and Family Services, as provided in Section 2205-25
23 of the Department of Healthcare and Family Services Law of the
24 Civil Administrative Code of Illinois. The Director shall be

1 appointed under the provisions of Section 2205-25 of that Law,
2 and shall meet the qualifications prescribed by the Illinois
3 Board of Healthcare and Family Services. Notwithstanding any
4 provision of law to the contrary, the terms of office of the
5 Director and Assistant Director of Healthcare and Family
6 Services serving on the effective date of this amendatory Act
7 of the 98th General Assembly shall end on March 1, 2014. 5-20
8 ~~of the Departments of State Government Law (20 ILCS 5/5-20).~~
9 ~~The Director shall be appointed pursuant to the provisions of~~
10 ~~Section 5-605 and meet the qualifications of Section 5-230 of~~
11 ~~that Law.~~

12 The Assistant Director of Healthcare and Family Services
13 shall be appointed as provided in Section 2205-25 of the
14 Department of Healthcare and Family Services Law of the Civil
15 Administrative Code of Illinois, at the discretion of the
16 Illinois Board of Healthcare and Family Services. , created by
17 ~~Section 5-165 of the Departments of State Government Law (20~~
18 ~~ILCS 5/5-165), shall be appointed pursuant to the provisions of~~
19 ~~Section 5-605 of that Law and shall meet the qualifications~~
20 ~~prescribed in Section 5-230 of that Law.~~

21 The salaries of the Director and the Assistant Director
22 shall be those set by the Illinois Board of Healthcare and
23 Family Services. specified in Section 5-395 of the Departments
24 ~~of State Government Law (20 ILCS 5/5-395).~~

25 Except as otherwise provided in this amendatory Act of the
26 98th General Assembly, the ~~The~~ Department of Healthcare and

1 Family Services and the Director of Healthcare and Family
2 Services shall comply with other provisions of the Civil
3 Administrative Code of Illinois which are generally applicable
4 to the several departments of the State Government created by
5 that Code.

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

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