



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5039

by Rep. Greg Harris

SYNOPSIS AS INTRODUCED:

See Index

Amends the Family Practice Residency Act. Changes the short title to the Family Practice and Behavioral Health Promotion Act (and amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois, the Nurses in Advancement Law, the Private Medical Scholarship Agreement Act, and the Illinois Public Aid Code to reflect that change). Makes changes to the definition of "Designated Shortage Area". Provides that the Department of Public Health shall have the power and duty to allocate funds to behavioral health care programs, to include in its scholarship program the award of behavioral health care professional scholarships, and to include eligible behavioral health care professionals in its educational loan repayment program. Adds representatives of behavioral health care programs to the advisory committee. Provides that funding for family practice residency programs may not be diverted or diminished below fiscal year 2015 funding levels to fund behavioral health care programs. Makes related changes. Effective immediately.

LRB099 19587 NHT 43982 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

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

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 2310-220 as follows:

7 (20 ILCS 2310/2310-220) (was 20 ILCS 2310/55.73)

8 Sec. 2310-220. Findings; rural obstetrical care. The
9 General Assembly finds that substantial areas of rural Illinois
10 lack adequate access to obstetrical care. The primary cause of
11 this problem is the absence of qualified practitioners who are
12 willing to offer obstetrical services. A significant barrier to
13 recruiting and retaining those practitioners is the high cost
14 of professional liability insurance for practitioners offering
15 obstetrical care.

16 Therefore, the Department, from funds appropriated for
17 that purpose, shall award grants to physicians practicing
18 obstetrics in rural designated shortage areas, as defined in
19 Section 3.04 of the Family Practice and Behavioral Health
20 Promotion Residency Act, for the purpose of reimbursing those
21 physicians for the costs of obtaining malpractice insurance
22 relating to obstetrical services. The Department shall
23 establish reasonable conditions, standards, and duties

1 relating to the application for and receipt of the grants.

2 (Source: P.A. 91-239, eff. 1-1-00.)

3 Section 10. The Family Practice Residency Act is amended by
4 changing Sections 1, 2, 3.03, 3.04, 4.01, 4.02, 4.03, 4.10, 5,
5 6, and 9 and by adding Sections 3.10, 3.11, and 10.5 as
6 follows:

7 (110 ILCS 935/1) (from Ch. 144, par. 1451)

8 Sec. 1. This Act shall be known and may be cited as the
9 "Family Practice and Behavioral Health Promotion Residency
10 Act".

11 (Source: P.A. 80-478.)

12 (110 ILCS 935/2) (from Ch. 144, par. 1452)

13 Sec. 2. The purpose of this Act is to establish programs in
14 the Illinois Department of Public Health to upgrade primary and
15 behavioral health care services for all citizens of the State,
16 to increase access, and to reduce health care disparities by
17 providing grants to family practice residency, ~~and~~ preventive
18 medicine residency, and behavioral health care residency
19 programs, scholarships to medical students and other eligible
20 behavioral health care professionals, and a loan repayment
21 program for physicians, ~~and~~ other eligible primary care
22 providers, and eligible behavioral health care professionals
23 who will agree to practice in areas of the State demonstrating

1 the greatest need for more professional medical and behavioral
2 health care. The programs shall encourage family practice
3 physicians, ~~and~~ other eligible primary care providers, and
4 eligible behavioral health care professionals to locate in
5 areas where primary care and behavioral health manpower
6 shortages exist and to increase the total number of family
7 practice physicians, ~~and~~ other eligible primary care
8 providers, and eligible behavioral health care professionals
9 in the State.

10 (Source: P.A. 98-674, eff. 6-30-14.)

11 (110 ILCS 935/3.03) (from Ch. 144, par. 1453.03)

12 Sec. 3.03. "Committee" means the Advisory Committee for
13 Family Practice Residency Programs and Behavioral Health Care
14 Programs created by this Act.

15 (Source: P.A. 80-478.)

16 (110 ILCS 935/3.04) (from Ch. 144, par. 1453.04)

17 Sec. 3.04. "Designated Shortage Area" means an area
18 designated by the Director as a physician shortage area, a
19 medically underserved area, ~~or~~ a critical health manpower
20 shortage area, a health professional shortage area, or a mental
21 health professional shortage area, as defined by the United
22 States Department of Health and Human Services, ~~Education and~~
23 ~~Welfare~~, or as otherwise ~~further~~ defined by the Department to
24 enable it to effectively fulfill the purpose stated in Section

1 2 of this Act. Such areas may include the following:

2 (a) an urban or rural area which is a rational area for the
3 delivery of health services;

4 (b) a population group; or

5 (c) a public or nonprofit private medical facility.

6 (Source: P.A. 80-478.)

7 (110 ILCS 935/3.10 new)

8 Sec. 3.10. Eligible behavioral health care professionals.

9 "Eligible behavioral health care professionals" include the
10 following licensed professionals who have behavioral health
11 care training and experience:

12 (1) psychiatrists licensed to practice medicine in all
13 of its branches under the Medical Practice Act of 1987;

14 (2) clinical psychologists licensed under the Clinical
15 Psychologist Licensing Act;

16 (3) clinical social workers licensed under the
17 Clinical Social Work and Social Work Practice Act;

18 (4) psychiatric nurse specialists licensed as
19 registered nurses under the Nurse Practice Act; and

20 (5) marriage and family therapists licensed under the
21 Marriage and Family Therapy Licensing Act.

22 (110 ILCS 935/3.11 new)

23 Sec. 3.11. Behavioral health care program. "Behavioral
24 health care program" means a behavioral health care service of

1 a hospital or hospital affiliate as defined under the Hospital
2 Licensing Act.

3 (110 ILCS 935/4.01) (from Ch. 144, par. 1454.01)

4 Sec. 4.01. To allocate funds to family practice residency
5 programs and behavioral health care programs according to the
6 following priorities:

7 (a) to increase the number of family practice physicians
8 and behavioral health care professionals in Designated
9 Shortage Areas;

10 (b) to increase the percentage of obstetricians
11 establishing practice within the State upon completion of
12 residency;

13 (c) to increase the number of accredited family practice
14 residencies within the State;

15 (d) to increase the percentage of family practice
16 physicians establishing practice within the State upon
17 completion of residency; ~~and~~

18 (d-5) to increase access to behavioral health care in
19 Designated Shortage Areas;

20 (d-10) to increase the number of eligible behavioral health
21 care professionals providing health care services in this
22 State; and

23 (e) to provide funds for rental of office space, purchase
24 of equipment and other uses necessary to enable family
25 practitioners and eligible behavioral health care

1 professionals to locate their practices in communities located
2 in designated shortage areas.

3 (Source: P.A. 86-1384.)

4 (110 ILCS 935/4.02) (from Ch. 144, par. 1454.02)

5 Sec. 4.02. To determine the procedures for the distribution
6 of the funds to family practice residency programs and
7 behavioral health care programs, including the establishment
8 of eligibility criteria in accordance with the following
9 guidelines:

10 (a) preference for programs which are to be established at
11 locations which exhibit potential for extending family
12 practice physician and behavioral health care availability to
13 Designated Shortage Areas;

14 (b) preference for programs which are located away from
15 communities in which medical schools are located; and

16 (c) preference for programs located in hospitals having
17 affiliation agreements with medical schools located within the
18 State.

19 In distributing such funds, the Department may also
20 consider as secondary criteria whether a family practice
21 residency program has:

22 (1) Adequate courses of instruction in the behavioral
23 sciences;

24 (2) Availability and systematic utilization of
25 opportunities for residents to gain experience through local

1 health departments or other preventive or occupational medical
2 facilities;

3 (3) A continuing program of community-oriented research in
4 such areas as risk factors in community populations,
5 immunization levels, environmental hazards, or occupational
6 hazards;

7 (4) Sufficient mechanisms for maintenance of quality
8 training, such as peer review, systematic progress reviews,
9 referral system, and maintenance of adequate records; and

10 (5) An appropriate course of instruction in societal,
11 institutional and economic conditions affecting family
12 practice.

13 (Source: P.A. 81-321.)

14 (110 ILCS 935/4.03) (from Ch. 144, par. 1454.03)

15 Sec. 4.03. To establish a program of medical student and
16 behavioral health care professional scholarships and to award
17 scholarships to eligible medical students and eligible
18 behavioral health care professionals.

19 (Source: P.A. 80-478.)

20 (110 ILCS 935/4.10) (from Ch. 144, par. 1454.10)

21 Sec. 4.10. To establish programs, and the criteria for such
22 programs, for the repayment of the educational loans of primary
23 care physicians, ~~and~~ other eligible primary care providers, and
24 eligible behavioral health care professionals who agree to

1 serve in Designated Shortage Areas for a specified period of
2 time, no less than 2 years. Payments under this program may be
3 made for the principal, interest and related expenses of
4 government and commercial loans received by the individual for
5 tuition expenses, and all other reasonable educational
6 expenses incurred by the individual. Payments made under this
7 provision shall be exempt from Illinois State Income Tax. The
8 Department may use tobacco settlement recovery funding or other
9 available funding to implement this Section.

10 (Source: P.A. 98-674, eff. 6-30-14.)

11 (110 ILCS 935/5) (from Ch. 144, par. 1455)

12 Sec. 5. The Advisory Committee for Family Practice
13 Residency Programs and Behavioral Health Care Programs is
14 created and shall consult with the Director in the
15 administration of this Act. The Committee shall consist of 13 ~~9~~
16 members appointed by the Director, 4 of whom shall be family
17 practice physicians, 4 of whom shall be representatives of
18 behavioral health care programs, one of whom shall be the dean
19 or associate or deputy dean of a medical school in this State,
20 and 4 of whom shall be representatives of the general public.
21 Terms of membership shall be 4 years. Initial appointments by
22 the Director shall be staggered, with 4 appointments
23 terminating January 31, 1979 and 4 terminating January 31,
24 1981. Of the 4 additional members appointed under this
25 amendatory Act of the 99th General Assembly, 2 members, as

1 determined by the Director, shall serve for a term that
2 commences on the date of their appointment and expires on
3 January 31, 2019 and the other 2 members shall serve for a term
4 that commences on the date of their appointment and expires on
5 January 31, 2021. Each member shall continue to serve after the
6 expiration of his term until his successor has been appointed.
7 No person shall serve more than 2 terms. Vacancies shall be
8 filled by appointment for the unexpired term of any member in
9 the same manner as the vacant position had been filled. The
10 Committee shall select from its members a chairman from among
11 the family practice physician members, and such other officers
12 as may be required. The Committee shall meet as frequently as
13 the Director deems necessary, but not less than once each year.
14 The Committee members shall receive no compensation but shall
15 be reimbursed for actual expenses incurred in carrying out
16 their duties.

17 (Source: P.A. 92-635, eff. 7-11-02.)

18 (110 ILCS 935/6) (from Ch. 144, par. 1456)

19 Sec. 6. Family practice residency programs and behavioral
20 health care programs seeking funds under this Act shall make
21 application to the Department. The application shall include
22 evidence of local support for the program, either in the form
23 of funds, services or other resources. The ratio of State
24 support to local support shall be determined by the Department
25 in a manner that is consistent with the purpose of this Act as

1 stated in Section 2 of this Act. In establishing such ratio of
2 State to local support the Department may vary the amount of
3 the required local support depending upon the criticality of
4 the need for more professional health care services, the
5 geographic location and the economic base of the Designated
6 Shortage Area.

7 (Source: P.A. 80-478.)

8 (110 ILCS 935/9) (from Ch. 144, par. 1459)

9 Sec. 9. The Department shall annually report to the General
10 Assembly and the Governor the results and progress of the
11 programs established by this Act on or before March 15th.

12 The annual report to the General Assembly and the Governor
13 shall include the impact of programs established under this Act
14 on the ability of designated shortage areas to attract and
15 retain physicians and other health care personnel and the
16 ability of designated behavioral health care programs to
17 attract and retain eligible behavioral health care
18 professionals in Designated Shortage Areas. The report shall
19 include recommendations to improve that ability.

20 The requirement for reporting to the General Assembly shall
21 be satisfied by filing copies of the report with the Speaker,
22 the Minority Leader and the Clerk of the House of
23 Representatives and the President, the Minority Leader and the
24 Secretary of the Senate and the Legislative Research Unit, as
25 required by Section 3.1 of the General Assembly Organization

1 Act, and filing such additional copies with the State
2 Government Report Distribution Center for the General Assembly
3 as is required under paragraph (t) of Section 7 of the State
4 Library Act.

5 (Source: P.A. 86-965; 87-430; 87-633; 87-895.)

6 (110 ILCS 935/10.5 new)

7 Sec. 10.5. Funding. Funding for family practice residency
8 programs may not be diverted or diminished below fiscal year
9 2015 funding levels to fund behavioral health care programs.

10 Section 15. The Nurses in Advancement Law is amended by
11 changing Section 1-20 as follows:

12 (110 ILCS 970/1-20) (from Ch. 144, par. 2781-20)

13 Sec. 1-20. Scholarship requirements. It shall be lawful for
14 any organization to condition any loan or grant upon the
15 recipient's executing an agreement to commit not more than 5
16 years of his or her professional career to the goals
17 specifically outlined within the agreement including a
18 requirement that recipient practice nursing or medicine in
19 specifically designated practice and geographic areas.

20 Any agreement executed by an organization and any recipient
21 of loan or grant assistance shall contain a provision for
22 liquidated damages to be paid for any breach of any provision
23 of the agreement, or any commitment contained therein, together

1 with attorney's fees and costs for the enforcement thereof. Any
2 such covenant shall be valid and enforceable in the courts of
3 this State as liquidated damages and shall not be considered a
4 penalty, provided that the provision for liquidated damages
5 does not exceed \$2,500 for each year remaining for the
6 performance of the agreement.

7 This Section shall not be construed as pertaining to or
8 limiting any liquidated damages resulting from scholarships
9 awarded under the Family Practice and Behavioral Health
10 Promotion Residency Act.

11 (Source: P.A. 92-651, eff. 7-11-02.)

12 Section 20. The Private Medical Scholarship Agreement Act
13 is amended by changing Section 3 as follows:

14 (110 ILCS 980/3) (from Ch. 144, par. 2703)

15 Sec. 3. Any such agreement executed by such an organization
16 and any recipient of loan, grant assistance or recommendation
17 may contain a provision for liquidated damages to be paid for
18 any breach of any provision of the agreement, or any commitment
19 contained therein, together with attorney's fees and costs for
20 the enforcement thereof. Any such covenant shall be valid and
21 enforceable in the courts of this State as liquidated damages
22 and shall not be considered a penalty, provided that such
23 provision for liquidated damages does not exceed \$2,500 for
24 each year remaining for the performance of such agreement.

1 This Section shall not be construed as pertaining to or
2 limiting any liquidated damages resulting from scholarships
3 awarded under the "Family Practice and Behavioral Health
4 Promotion Residency Act", ~~as amended.~~

5 (Source: P.A. 86-999.)

6 Section 25. The Illinois Public Aid Code is amended by
7 changing Section 12-4.24a as follows:

8 (305 ILCS 5/12-4.24a) (from Ch. 23, par. 12-4.24a)

9 Sec. 12-4.24a. Report and recommendations concerning
10 designated shortage area. The Illinois Department shall
11 analyze payments made to providers of medical services under
12 Article V of this Code to determine whether any special
13 compensatory standard should be applied to payments to such
14 providers in designated shortage areas as defined in Section
15 3.04 of the Family Practice and Behavioral Health Promotion
16 Residency Act, ~~as now or hereafter amended.~~ The Illinois
17 Department shall, not later than June 30, 1990, report to the
18 Governor and the General Assembly concerning the results of its
19 analysis, and may provide by rule for adjustments in its
20 payment rates to medical service providers in such areas.

21 (Source: P.A. 92-111, eff. 1-1-02.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.

1		INDEX
2		Statutes amended in order of appearance
3	20 ILCS 2310/2310-220	was 20 ILCS 2310/55.73
4	110 ILCS 935/1	from Ch. 144, par. 1451
5	110 ILCS 935/2	from Ch. 144, par. 1452
6	110 ILCS 935/3.03	from Ch. 144, par. 1453.03
7	110 ILCS 935/3.04	from Ch. 144, par. 1453.04
8	110 ILCS 935/3.10 new	
9	110 ILCS 935/3.11 new	
10	110 ILCS 935/4.01	from Ch. 144, par. 1454.01
11	110 ILCS 935/4.02	from Ch. 144, par. 1454.02
12	110 ILCS 935/4.03	from Ch. 144, par. 1454.03
13	110 ILCS 935/4.10	from Ch. 144, par. 1454.10
14	110 ILCS 935/5	from Ch. 144, par. 1455
15	110 ILCS 935/6	from Ch. 144, par. 1456
16	110 ILCS 935/9	from Ch. 144, par. 1459
17	110 ILCS 935/10.5 new	
18	110 ILCS 970/1-20	from Ch. 144, par. 2781-20
19	110 ILCS 980/3	from Ch. 144, par. 2703
20	305 ILCS 5/12-4.24a	from Ch. 23, par. 12-4.24a