



Rep. Elgie R. Sims, Jr.

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LRB100 03844 KTG 25490 a

1 AMENDMENT TO HOUSE BILL 173

2 AMENDMENT NO. _____. Amend House Bill 173 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by
5 changing Section 5B-4 as follows:

6 (305 ILCS 5/5B-4) (from Ch. 23, par. 5B-4)

7 Sec. 5B-4. Payment of assessment; penalty.

8 (a) The assessment imposed by Section 5B-2 shall be due and
9 payable monthly, on the last State business day of the month
10 for occupied bed days reported for the preceding third month
11 prior to the month in which the tax is payable and due. When
12 the State fails ~~A facility that has delayed payment due to the~~
13 ~~State's failure~~ to reimburse for services rendered in the month
14 on which the assessment is imposed, ~~may request an extension on~~
15 the due date for payment ~~pursuant to subsection (b) and shall~~
16 ~~pay~~ of the assessment must be no earlier than ~~within~~ 30 days

1 ~~after of~~ reimbursement by the State Department. The Illinois
2 Department may provide that county nursing homes directed and
3 maintained pursuant to Section 5-1005 of the Counties Code may
4 meet their assessment obligation by certifying to the Illinois
5 Department that county expenditures have been obligated for the
6 operation of the county nursing home in an amount at least
7 equal to the amount of the assessment.

8 (a-5) The Illinois Department shall provide for an
9 electronic submission process for each long-term care facility
10 to report at a minimum the number of occupied bed days of the
11 long-term care facility for the reporting period and other
12 reasonable information the Illinois Department requires for
13 the administration of its responsibilities under this Code.
14 Beginning July 1, 2013, a separate electronic submission shall
15 be completed for each long-term care facility in this State
16 operated by a long-term care provider. The Illinois Department
17 shall prepare an assessment bill stating the amount due and
18 payable each month and submit it to each long-term care
19 facility via an electronic process. Each assessment payment
20 shall be accompanied by a copy of the assessment bill sent to
21 the long-term care facility by the Illinois Department. To the
22 extent practicable, the Department shall coordinate the
23 assessment reporting requirements with other reporting
24 required of long-term care facilities.

25 (b) The Illinois Department is authorized to establish
26 delayed payment schedules for long-term care providers that are

1 unable to make assessment payments when due under this Section
2 due to financial difficulties, as determined by the Illinois
3 Department. The Illinois Department may not collect ~~may not~~
4 ~~deny a request for delay of~~ payment of the assessment imposed
5 under this Article if the long-term care provider has not been
6 paid for services provided during the month on which the
7 assessment is levied, and the long-term care provider does not
8 need to take any additional action.

9 (c) If a long-term care provider fails to pay the full
10 amount of an assessment payment when due (under the extended
11 due date required in subsection (a) when the State has failed
12 to make payment for the month in which services are rendered
13 and including any extensions granted under subsection (b)),
14 there shall, unless waived by the Illinois Department for
15 reasonable cause, be added to the assessment imposed by Section
16 5B-2 a penalty assessment equal to the lesser of (i) 5% of the
17 amount of the assessment payment not paid on or before the due
18 date plus 5% of the portion thereof remaining unpaid on the
19 last day of each month thereafter or (ii) 100% of the
20 assessment payment amount not paid on or before the due date.
21 For purposes of this subsection, payments will be credited
22 first to unpaid assessment payment amounts (rather than to
23 penalty or interest), beginning with the most delinquent
24 assessment payments. Payment cycles of longer than 60 days
25 shall be one factor the Director takes into account in granting
26 a waiver under this Section.

1 (c-5) If a long-term care facility fails to file its
2 assessment bill with payment, there shall, unless waived by the
3 Illinois Department for reasonable cause, be added to the
4 assessment due a penalty assessment equal to 25% of the
5 assessment due. No penalty shall be assessed under this Section
6 if the long-term care facility submits its assessment bill
7 prior to the payment if the payment is delayed under subsection
8 (b) when the long-term care facility has not been paid for
9 services provided during the month on which the assessment is
10 levied. After July 1, 2013, no penalty shall be assessed under
11 this Section if the Illinois Department does not provide a
12 process for the electronic submission of the information
13 required by subsection (a-5).

14 (d) Nothing in this amendatory Act of 1993 shall be
15 construed to prevent the Illinois Department from collecting
16 all amounts due under this Article pursuant to an assessment
17 imposed before the effective date of this amendatory Act of
18 1993.

19 (e) Nothing in this amendatory Act of the 96th General
20 Assembly shall be construed to prevent the Illinois Department
21 from collecting all amounts due under this Code pursuant to an
22 assessment, tax, fee, or penalty imposed before the effective
23 date of this amendatory Act of the 96th General Assembly.

24 (f) No installment of the assessment imposed by Section
25 5B-2 shall be due and payable until after the Department
26 notifies the long-term care providers, in writing, that the

1 payment methodologies to long-term care providers required
2 under Section 5-5.4 of this Code have been approved by the
3 Centers for Medicare and Medicaid Services of the U.S.
4 Department of Health and Human Services and the waivers under
5 42 CFR 433.68 for the assessment imposed by this Section, if
6 necessary, have been granted by the Centers for Medicare and
7 Medicaid Services of the U.S. Department of Health and Human
8 Services. Upon notification to the Department of approval of
9 the payment methodologies required under Section 5-5.4 of this
10 Code and the waivers granted under 42 CFR 433.68, all
11 installments otherwise due under Section 5B-4 prior to the date
12 of notification shall be due and payable to the Department upon
13 written direction from the Department within 90 days after
14 issuance by the Comptroller of the payments required under
15 Section 5-5.4 of this Code.

16 (Source: P.A. 96-444, eff. 8-14-09; 96-1530, eff. 2-16-11;
17 97-10, eff. 6-14-11; 97-403, eff. 1-1-12; 97-584, eff. 8-26-11;
18 97-813, eff. 7-13-12.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."