

SB3758



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3758

Introduced 2/14/2020, by Sen. Heather A. Steans

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5B-4

from Ch. 23, par. 5B-4

Amends the Long-Term Care Provider Funding Article of the Illinois Public Aid Code. In a provision concerning payment assessments imposed on long-term care providers, provides that the Department of Healthcare and Family Services is authorized to establish delayed payment schedules for long-term care providers that are unable to make certain assessment payments for occupied bed days and licensed nursing bed days reported due to financial difficulties. Provides that the Department may not deny a request for delay of payment of the assessment if the long-term care provider has not been paid for services provided during the month or months (rather than services provided during the month) on which the assessment is levied or the Medicaid managed care organization has not been paid by the State. Effective immediately.

LRB101 17787 KTG 67216 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public aid.

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

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. A
12 facility that has delayed payment due to the State's failure to
13 reimburse for services rendered may request an extension on the
14 due date for payment pursuant to subsection (b) and shall pay
15 the assessment within 30 days of reimbursement by the
16 Department. The Illinois Department may provide that county
17 nursing homes directed and maintained pursuant to Section
18 5-1005 of the Counties Code may meet their assessment
19 obligation by certifying to the Illinois Department that county
20 expenditures have been obligated for the operation of the
21 county nursing home in an amount at least equal to the amount
22 of the assessment.

23 (a-5) The Illinois Department shall provide for an

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

17 (b) The Illinois Department is authorized to establish
18 delayed payment schedules for long-term care providers that are
19 unable to make assessment payments when due under this Section
20 and under Section 5E-10 of this Code due to financial
21 difficulties, as determined by the Illinois Department. The
22 Illinois Department may not deny a request for delay of payment
23 of the assessment imposed under this Article if the long-term
24 care provider has not been paid for services provided during
25 the month or months on which the assessment is levied or the
26 Medicaid managed care organization has not been paid by the

1 State.

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

18 (c-5) If a long-term care facility fails to file its
19 assessment bill with payment, there shall, unless waived by the
20 Illinois Department for reasonable cause, be added to the
21 assessment due a penalty assessment equal to 25% of the
22 assessment due. After July 1, 2013, no penalty shall be
23 assessed under this Section if the Illinois Department does not
24 provide a process for the electronic submission of the
25 information required by subsection (a-5).

26 (d) Nothing in this amendatory Act of 1993 shall be

1 construed to prevent the Illinois Department from collecting
2 all amounts due under this Article pursuant to an assessment
3 imposed before the effective date of this amendatory Act of
4 1993.

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

10 (f) No installment of the assessment imposed by Section
11 5B-2 shall be due and payable until after the Department
12 notifies the long-term care providers, in writing, that the
13 payment methodologies to long-term care providers required
14 under Section 5-5.4 of this Code have been approved by the
15 Centers for Medicare and Medicaid Services of the U.S.
16 Department of Health and Human Services and the waivers under
17 42 CFR 433.68 for the assessment imposed by this Section, if
18 necessary, have been granted by the Centers for Medicare and
19 Medicaid Services of the U.S. Department of Health and Human
20 Services. Upon notification to the Department of approval of
21 the payment methodologies required under Section 5-5.4 of this
22 Code and the waivers granted under 42 CFR 433.68, all
23 installments otherwise due under Section 5B-4 prior to the date
24 of notification shall be due and payable to the Department upon
25 written direction from the Department within 90 days after
26 issuance by the Comptroller of the payments required under

1 Section 5-5.4 of this Code.

2 (Source: P.A. 100-501, eff. 6-1-18.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.