



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0736

Introduced 2/8/2021, by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

705 ILCS 505/8
705 ILCS 505/22

from Ch. 37, par. 439.8
from Ch. 37, par. 439.22

Amends the Court of Claims Act. Provides that the Court of Claims has exclusive jurisdiction to hear and determine all quantum meruit claims by medical vendors for medical services rendered by the claimant to a person eligible for medical assistance under programs administered by the Department of Healthcare and Family Services if: (1) the services or goods were provided between January 1, 2015 and June 30, 2020; (2) at the time the services or goods were provided, the vendor was certified by Medicaid to provide medical services to persons eligible for medical assistance; (3) the State accepted the services or goods provided; (4) the State has been unjustly enriched or benefited from the services or goods; and (5) the claim was filed with the Court of Claims before March 31, 2021. Provides that the existence of a vendor agreement between a vendor and the State shall not be a bar, defense, or otherwise defeat a quantum meruit claim. Provides that the amount due to a vendor shall not exceed the Medicaid fee for service rates that would have otherwise been paid to the vendor for a valid claim at the time the services were rendered. Makes a corresponding change. Effective immediately.

LRB102 05090 LNS 15110 b

1 AN ACT concerning courts.

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

4 Section 5. The Court of Claims Act is amended by changing
5 Sections 8 and 22 as follows:

6 (705 ILCS 505/8) (from Ch. 37, par. 439.8)

7 Sec. 8. Court of Claims jurisdiction; deliberation
8 periods. The court shall have exclusive jurisdiction to hear
9 and determine the following matters:

10 (a) All claims against the State founded upon any law
11 of the State of Illinois or upon any regulation adopted
12 thereunder by an executive or administrative officer or
13 agency; provided, however, the court shall not have
14 jurisdiction (i) to hear or determine claims arising under
15 the Workers' Compensation Act or the Workers' Occupational
16 Diseases Act, or claims for expenses in civil litigation,
17 or (ii) to review administrative decisions for which a
18 statute provides that review shall be in the circuit or
19 appellate court.

20 (b) All claims against the State founded upon any
21 contract entered into with the State of Illinois.

22 (c) All claims against the State for time unjustly
23 served in prisons of this State when the person imprisoned

1 received a pardon from the Governor stating that such
2 pardon is issued on the ground of innocence of the crime
3 for which he or she was imprisoned or he or she received a
4 certificate of innocence from the Circuit Court as
5 provided in Section 2-702 of the Code of Civil Procedure;
6 provided, the amount of the award is at the discretion of
7 the court; and provided, the court shall make no award in
8 excess of the following amounts: for imprisonment of 5
9 years or less, not more than \$85,350; for imprisonment of
10 14 years or less but over 5 years, not more than \$170,000;
11 for imprisonment of over 14 years, not more than \$199,150;
12 and provided further, the court shall fix attorney's fees
13 not to exceed 25% of the award granted. On or after the
14 effective date of this amendatory Act of the 95th General
15 Assembly, the court shall annually adjust the maximum
16 awards authorized by this subsection (c) to reflect the
17 increase, if any, in the Consumer Price Index For All
18 Urban Consumers for the previous calendar year, as
19 determined by the United States Department of Labor,
20 except that no annual increment may exceed 5%. For the
21 annual adjustments, if the Consumer Price Index decreases
22 during a calendar year, there shall be no adjustment for
23 that calendar year. The transmission by the Prisoner
24 Review Board or the clerk of the circuit court of the
25 information described in Section 11(b) to the clerk of the
26 Court of Claims is conclusive evidence of the validity of

1 the claim. The changes made by this amendatory Act of the
2 95th General Assembly apply to all claims pending on or
3 filed on or after the effective date.

4 (d) All claims against the State for damages in cases
5 sounding in tort, if a like cause of action would lie
6 against a private person or corporation in a civil suit,
7 and all like claims sounding in tort against the Medical
8 Center Commission, the Board of Trustees of the University
9 of Illinois, the Board of Trustees of Southern Illinois
10 University, the Board of Trustees of Chicago State
11 University, the Board of Trustees of Eastern Illinois
12 University, the Board of Trustees of Governors State
13 University, the Board of Trustees of Illinois State
14 University, the Board of Trustees of Northeastern Illinois
15 University, the Board of Trustees of Northern Illinois
16 University, the Board of Trustees of Western Illinois
17 University, or the Board of Trustees of the Illinois
18 Mathematics and Science Academy; provided, that an award
19 for damages in a case sounding in tort, other than certain
20 cases involving the operation of a State vehicle described
21 in this paragraph, shall not exceed the sum of \$2,000,000
22 to or for the benefit of any claimant. The \$2,000,000
23 limit prescribed by this Section does not apply to an
24 award of damages in any case sounding in tort arising out
25 of the operation by a State employee of a vehicle owned,
26 leased or controlled by the State. The defense that the

1 State or the Medical Center Commission or the Board of
2 Trustees of the University of Illinois, the Board of
3 Trustees of Southern Illinois University, the Board of
4 Trustees of Chicago State University, the Board of
5 Trustees of Eastern Illinois University, the Board of
6 Trustees of Governors State University, the Board of
7 Trustees of Illinois State University, the Board of
8 Trustees of Northeastern Illinois University, the Board of
9 Trustees of Northern Illinois University, the Board of
10 Trustees of Western Illinois University, or the Board of
11 Trustees of the Illinois Mathematics and Science Academy
12 is not liable for the negligence of its officers, agents,
13 and employees in the course of their employment is not
14 applicable to the hearing and determination of such
15 claims. The changes to this Section made by this
16 amendatory Act of the 100th General Assembly apply only to
17 claims filed on or after July 1, 2015.

18 The court shall annually adjust the maximum awards
19 authorized by this subsection to reflect the increase, if
20 any, in the Consumer Price Index For All Urban Consumers
21 for the previous calendar year, as determined by the
22 United States Department of Labor. The Comptroller shall
23 make the new amount resulting from each annual adjustment
24 available to the public via the Comptroller's official
25 website by January 31 of every year.

26 (e) All claims for recoupment made by the State of

1 Illinois against any claimant.

2 (f) All claims pursuant to the Line of Duty
3 Compensation Act. A claim under that Act must be heard and
4 determined within one year after the application for that
5 claim is filed with the Court as provided in that Act.

6 (g) All claims filed pursuant to the Crime Victims
7 Compensation Act.

8 (h) All claims pursuant to the Illinois National
9 Guardsman's Compensation Act. A claim under that Act must
10 be heard and determined within one year after the
11 application for that claim is filed with the Court as
12 provided in that Act.

13 (i) All claims authorized by subsection (a) of Section
14 10-55 of the Illinois Administrative Procedure Act for the
15 expenses incurred by a party in a contested case on the
16 administrative level.

17 (j) All quantum meruit claims by medical vendors for
18 medical services rendered by the claimant pursuant to Section
19 5-5.01a of the Illinois Public Aid Code to a person eligible
20 for medical assistance under programs administered by the
21 Department of Healthcare and Family Services if:

22 (1) the services or goods were provided between
23 January 1, 2015 and June 30, 2020;

24 (2) at the time the services or goods were provided,
25 the vendor was certified by Medicaid to provide medical
26 services to a person eligible for medical assistance under

1 programs administered by the Department of Healthcare and
2 Family Services and the Department of Human Services;

3 (3) the State accepted the services or goods provided;

4 (4) the State has been unjustly enriched or benefited
5 from the services or goods; and

6 (5) the claim was filed with the Court of Claims
7 before March 31, 2021.

8 The existence of a vendor agreement between a vendor and
9 the State shall not be a bar, defense, or otherwise defeat a
10 quantum meruit claim under this subsection. The amount due to
11 a vendor under this subsection shall not exceed the Medicaid
12 fee for service rates that would have otherwise been paid to
13 the vendor for a valid claim at the time the services were
14 rendered.

15 (Source: P.A. 100-1124, eff. 11-27-18.)

16 (705 ILCS 505/22) (from Ch. 37, par. 439.22)

17 Sec. 22. Every claim cognizable by the court ~~Court~~ and not
18 otherwise sooner barred by law shall be forever barred from
19 prosecution therein unless it is filed with the clerk of the
20 court ~~Clerk of the Court~~ within the time set forth as follows:

21 (a) All claims arising out of a contract must be filed
22 within 5 years after it first accrues, saving to minors,
23 and persons under legal disability at the time the claim
24 accrues, in which cases the claim must be filed within 5
25 years from the time the disability ceases.

1 (b) All claims cognizable against the State by vendors
2 of goods or services under the ~~"The~~ Illinois Public Aid
3 Code", ~~approved April 11, 1967, as amended,~~ must file
4 within one year after the accrual of the cause of action,
5 as provided in Section 11-13 of that Code. This
6 restriction shall not apply to claims made pursuant to
7 subsection (j) of Section 8.

8 (c) All claims arising under paragraph (c) of Section
9 8 of this Act must be automatically heard by the court
10 within 120 days after the person asserting such claim is
11 either issued a certificate of innocence from the circuit
12 court ~~Circuit Court~~ as provided in Section 2-702 of the
13 Code of Civil Procedure, or is granted a pardon by the
14 Governor, whichever occurs later, without the person
15 asserting the claim being required to file a petition
16 under Section 11 of this Act, except as otherwise provided
17 by the Crime Victims Compensation Act. Any claims filed by
18 the claimant under paragraph (c) of Section 8 of this Act
19 must be filed within 2 years after the person asserting
20 such claim is either issued a certificate of innocence as
21 provided in Section 2-702 of the Code of Civil Procedure,
22 or is granted a pardon by the Governor, whichever occurs
23 later.

24 (d) All claims arising under paragraph (f) of Section
25 8 of this Act must be filed within the time set forth in
26 Section 3 of the Line of Duty Compensation Act.

1 (e) All claims arising under paragraph (h) of Section
2 8 of this Act must be filed within one year of the date of
3 the death of the guardsman or militiaman as provided in
4 Section 3 of the ~~"Illinois National Guardsman's and Naval
5 Militiaman's Compensation Act", approved August 12, 1971,
6 as amended.~~

7 (f) All claims arising under paragraph (g) of Section
8 8 of this Act must be filed within one year of the crime on
9 which a claim is based as provided in Section 6.1 of the
10 ~~"Crime Victims Compensation Act", approved August 23,
11 1973, as amended.~~

12 (g) All claims arising from the Comptroller's refusal
13 to issue a replacement warrant pursuant to Section 10.10
14 of the State Comptroller Act must be filed within 5 years
15 after the date of the Comptroller's refusal.

16 (h) All other claims must be filed within 2 years
17 after it first accrues, saving to minors, and persons
18 under legal disability at the time the claim accrues, in
19 which case the claim must be filed within 2 years from the
20 time the disability ceases.

21 (i) The changes made by Public Act 86-458 apply to all
22 warrants issued within the 5-year ~~5-year~~ period preceding
23 August 31, 1989 (the effective date of Public Act 86-458).
24 The changes made to this Section by Public Act 100-1124
25 ~~this amendatory Act of the 100th General Assembly~~ apply to
26 claims pending on November 27, 2018 (the effective date of

1 Public Act 100-1124) ~~this amendatory Act of the 100th~~
2 ~~General Assembly~~ and to claims filed thereafter.

3 (j) All time limitations established under this Act
4 and the rules promulgated under this Act shall be binding
5 and jurisdictional, except upon extension authorized by
6 law or rule and granted pursuant to a motion timely filed.

7 (Source: P.A. 100-1124, eff. 11-27-18; revised 7-16-19.)

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