

# HB4735



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB4735

Introduced 1/27/2022, by Rep. William Davis

#### SYNOPSIS AS INTRODUCED:

20 ILCS 3960/4

from Ch. 111 1/2, par. 1154

Amends the Illinois Health Facilities Planning Act. Provides that members of the Health Facilities and Services Review Board may opt in to receive a stipend of \$250 and the chair of the Health Facilities and Services Review Board may opt in to receive a stipend of \$400 for each Board meeting attend. Effective immediately.

LRB102 24375 RJF 33609 b

A BILL FOR

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 Illinois Health Facilities Planning Act is  
5 amended by changing Section 4 as follows:

6 (20 ILCS 3960/4) (from Ch. 111 1/2, par. 1154)

7 (Section scheduled to be repealed on December 31, 2029)

8 Sec. 4. Health Facilities and Services Review Board;  
9 membership; appointment; term; compensation; quorum.

10 (a) There is created the Health Facilities and Services  
11 Review Board, which shall perform the functions described in  
12 this Act. The Department shall provide operational support to  
13 the Board as necessary, including the provision of office  
14 space, supplies, and clerical, financial, and accounting  
15 services. The Board may contract for functions or operational  
16 support as needed. The Board may also contract with experts  
17 related to specific health services or facilities and create  
18 technical advisory panels to assist in the development of  
19 criteria, standards, and procedures used in the evaluation of  
20 applications for permit and exemption.

21 (b) The State Board shall consist of 11 voting members.  
22 All members shall be residents of Illinois and at least 4 shall  
23 reside outside the Chicago Metropolitan Statistical Area.

1 Consideration shall be given to potential appointees who  
2 reflect the ethnic and cultural diversity of the State.  
3 Neither Board members nor Board staff shall be convicted  
4 felons or have pled guilty to a felony.

5 Each member shall have a reasonable knowledge of the  
6 practice, procedures and principles of the health care  
7 delivery system in Illinois, including at least 5 members who  
8 shall be knowledgeable about health care delivery systems,  
9 health systems planning, finance, or the management of health  
10 care facilities currently regulated under the Act. One member  
11 shall be a representative of a non-profit health care consumer  
12 advocacy organization. One member shall be a representative  
13 from the community with experience on the effects of  
14 discontinuing health care services or the closure of health  
15 care facilities on the surrounding community; provided,  
16 however, that all other members of the Board shall be  
17 appointed before this member shall be appointed. A spouse,  
18 parent, sibling, or child of a Board member cannot be an  
19 employee, agent, or under contract with services or facilities  
20 subject to the Act. Prior to appointment and in the course of  
21 service on the Board, members of the Board shall disclose the  
22 employment or other financial interest of any other relative  
23 of the member, if known, in service or facilities subject to  
24 the Act. Members of the Board shall declare any conflict of  
25 interest that may exist with respect to the status of those  
26 relatives and recuse themselves from voting on any issue for

1 which a conflict of interest is declared. No person shall be  
2 appointed or continue to serve as a member of the State Board  
3 who is, or whose spouse, parent, sibling, or child is, a member  
4 of the Board of Directors of, has a financial interest in, or  
5 has a business relationship with a health care facility.

6 Notwithstanding any provision of this Section to the  
7 contrary, the term of office of each member of the State Board  
8 serving on the day before the effective date of this  
9 amendatory Act of the 96th General Assembly is abolished on  
10 the date upon which members of the Board, as established by  
11 this amendatory Act of the 96th General Assembly, have been  
12 appointed and can begin to take action as a Board.

13 (c) The State Board shall be appointed by the Governor,  
14 with the advice and consent of the Senate. Not more than 6 of  
15 the appointments shall be of the same political party at the  
16 time of the appointment.

17 The Secretary of Human Services, the Director of  
18 Healthcare and Family Services, and the Director of Public  
19 Health, or their designated representatives, shall serve as  
20 ex-officio, non-voting members of the State Board.

21 (d) Of those members initially appointed by the Governor  
22 following the effective date of this amendatory Act of the  
23 96th General Assembly, 3 shall serve for terms expiring July  
24 1, 2011, 3 shall serve for terms expiring July 1, 2012, and 3  
25 shall serve for terms expiring July 1, 2013. Thereafter, each  
26 appointed member shall hold office for a term of 3 years,

1 provided that any member appointed to fill a vacancy occurring  
2 prior to the expiration of the term for which his or her  
3 predecessor was appointed shall be appointed for the remainder  
4 of such term and the term of office of each successor shall  
5 commence on July 1 of the year in which his predecessor's term  
6 expires. Each member shall hold office until his or her  
7 successor is appointed and qualified. The Governor may  
8 reappoint a member for additional terms, but no member shall  
9 serve more than 3 terms, subject to review and re-approval  
10 every 3 years.

11 (e) State Board members, while serving on business of the  
12 State Board, shall receive actual and necessary travel and  
13 subsistence expenses while so serving away from their places  
14 of residence. State Board members may opt in to receive a  
15 stipend of \$250 and the State Board chair may opt in to receive  
16 a stipend of \$400 for each Board meeting that they attend.

17 Until March 1, 2010, a member of the State Board who  
18 experiences a significant financial hardship due to the loss  
19 of income on days of attendance at meetings or while otherwise  
20 engaged in the business of the State Board may be paid a  
21 hardship allowance, as determined by and subject to the  
22 approval of the Governor's Travel Control Board.

23 (f) The Governor shall designate one of the members to  
24 serve as the Chairman of the Board, who shall be a person with  
25 expertise in health care delivery system planning, finance or  
26 management of health care facilities that are regulated under

1 the Act. The Chairman shall annually review Board member  
2 performance and shall report the attendance record of each  
3 Board member to the General Assembly.

4 (g) The State Board, through the Chairman, shall prepare a  
5 separate and distinct budget approved by the General Assembly  
6 and shall hire and supervise its own professional staff  
7 responsible for carrying out the responsibilities of the  
8 Board.

9 (h) The State Board shall meet at least every 45 days, or  
10 as often as the Chairman of the State Board deems necessary, or  
11 upon the request of a majority of the members.

12 (i) Six members of the State Board shall constitute a  
13 quorum. The affirmative vote of 6 of the members of the State  
14 Board shall be necessary for any action requiring a vote to be  
15 taken by the State Board. A vacancy in the membership of the  
16 State Board shall not impair the right of a quorum to exercise  
17 all the rights and perform all the duties of the State Board as  
18 provided by this Act.

19 (j) A State Board member shall disqualify himself or  
20 herself from the consideration of any application for a permit  
21 or exemption in which the State Board member or the State Board  
22 member's spouse, parent, sibling, or child: (i) has an  
23 economic interest in the matter; or (ii) is employed by,  
24 serves as a consultant for, or is a member of the governing  
25 board of the applicant or a party opposing the application.

26 (k) The Chairman, Board members, and Board staff must

1       comply with the Illinois Governmental Ethics Act.

2       (Source: P.A. 102-4, eff. 4-27-21.)

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