



Rep. Janet Yang Rohr

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10300HB4276ham001

LRB103 34669 CES 71190 a

1 AMENDMENT TO HOUSE BILL 4276

2 AMENDMENT NO. _____. Amend House Bill 4276 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Life Care Facilities Act is amended by
5 adding Sections 5.1 and 5.2 as follows:

6 (210 ILCS 40/5.1 new)

7 Sec. 5.1. Pre-sale disclosures.

8 (a) Prior to the execution of a life care contract and the
9 transfer of any money or other property to a provider or escrow
10 agent, the provider shall deliver to the consumer a pre-sale
11 disclosure printed on paper. The pre-sale disclosure shall be
12 signed by the consumer prior to executing a life care
13 contract. The pre-sale disclosure shall include:

14 (1) the caption, "ENTRY FEE REFUNDS: CONSUMER NOTICE",
15 in at least 28-point font and the remaining portion in at
16 least 12-point font;

1 (2) the caption, "The timing of refunds for past
2 residents may not be indicative of your refund experience.
3 Your ability to collect on the full amount of the
4 calculated refund may be modified or nullified pending
5 market conditions, any future sale of this organization,
6 or in the event of bankruptcy.";

7 (3) the number of entry fee refunds returned by the
8 provider in the most recently completed calendar year;

9 (4) for refunds returned by the provider within the
10 most recently completed calendar year;

11 (A) the average number of months passed prior to
12 the refund of an entry fee by the provider; and

13 (B) the median number of months passed prior to
14 the refund of an entry fee by the provider;

15 (5) the number of entry fee contracts awaiting refunds
16 from the provider as of the last day of the most recently
17 completed calendar year;

18 (6) the percentage of entry fee contracts awaiting
19 refunds from the provider with wait times exceeding 24
20 months as of the end of the most recently completed
21 calendar year;

22 (7) the percentage of entry fee contracts awaiting
23 refunds from the provider with wait times exceeding 36
24 months as of the end of the most recently completed
25 calendar year; and

26 (8) the percentage of entry fee contracts awaiting

1 refunds from the provider with wait times exceeding 60
2 months as of the end of the most recently completed
3 calendar year.

4 (b) Pre-sale disclosures may include additional data by
5 calendar year.

6 (210 ILCS 40/5.2 new)

7 Sec. 5.2. Living unit reappropriation. If an unoccupied
8 living unit is contemplated for use for a purpose other than as
9 a living unit, including, but not limited to, an exam room or a
10 storage room, and if there exist beneficiaries awaiting an
11 entry fee refund, the beneficiaries of the entry fee refund
12 must provide a signed acknowledgment of, and agreement to, the
13 reappropriation that may be in effect up to a specific date.
14 The reappropriation acknowledgment shall include:

15 (1) the caption, "ENTRY FEE REFUND DELAYS: CONSUMER
16 NOTICE" in at least 28-point font and the remaining
17 portion in at least a 12-point font;

18 (2) the caption, "Your agreement to this arrangement
19 may result in the delayed sale of the living unit as well
20 as the delayed return of the entry fee."; and

21 (3) a statement that the rights provided under this
22 Section may not be waived."