



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5095

Introduced 2/8/2024, by Rep. Anna Moeller

SYNOPSIS AS INTRODUCED:

210 ILCS 45/3-401.1

from Ch. 111 1/2, par. 4153-401.1

Amends the Nursing Home Care Act. Adds (in addition to other criteria) that if a resident fails to pay or has a late payment and the facility follows the federal discharge and transfer requirements, including the issuance of a notice of facility-initiated discharge, then a facility that participates in the Medical Assistance Program may refuse to retain as a resident any person who resides in a part of the facility that does not participate in the Medical Assistance Program and who is unable to pay for his or her care in the facility without medical assistance.

LRB103 39315 CES 69469 b

1 AN ACT concerning regulation.

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

4 Section 5. The Nursing Home Care Act is amended by
5 changing Section 3-401.1 as follows:

6 (210 ILCS 45/3-401.1) (from Ch. 111 1/2, par. 4153-401.1)

7 Sec. 3-401.1. (a) A facility participating in the Medical
8 Assistance Program is prohibited from failing or refusing to
9 retain as a resident any person because he or she is a
10 recipient of or an applicant for the Medical Assistance
11 Program.

12 (a-5) ~~A After the effective date of this amendatory Act of~~
13 ~~1997,~~ a facility of which only a distinct part is certified to
14 participate in the Medical Assistance Program may refuse to
15 retain as a resident any person who resides in a part of the
16 facility that does not participate in the Medical Assistance
17 Program and who is unable to pay for his or her care in the
18 facility without Medical Assistance only if:

19 (1) the facility, no later than at the time of
20 admission and at the time of the resident's contract
21 renewal, explains to the resident (unless he or she is
22 incompetent), and to the resident's representative, and to
23 the person making payment on behalf of the resident for

1 the resident's stay, in writing, that the facility may
2 discharge the resident if the resident is no longer able
3 to pay for his or her care in the facility without Medical
4 Assistance;

5 (2) the resident (unless he or she is incompetent),
6 the resident's representative, and the person making
7 payment on behalf of the resident for the resident's stay,
8 acknowledge in writing that they have received the written
9 explanation;

10 (3) the resident fails to pay or has a late payment as
11 described in subsection (d) of Section 3-401 of this Act
12 and the facility follows the federal discharge and
13 transfer requirements including the issuance of a notice
14 of facility-initiated discharge as described in 45 CFR
15 483.15(c).

16 (a-10) For the purposes of this Section, a recipient or
17 applicant shall be considered a resident in the facility
18 during any hospital stay totaling 10 days or less following a
19 hospital admission. The Department of Healthcare and Family
20 Services shall recoup funds from a facility when, as a result
21 of the facility's refusal to readmit a recipient after
22 hospitalization for 10 days or less, the recipient incurs
23 hospital bills in an amount greater than the amount that would
24 have been paid by that Department (formerly the Illinois
25 Department of Public Aid) for care of the recipient in the
26 facility. The amount of the recoupment shall be the difference

1 between the Department of Healthcare and Family Services'
2 (formerly the Illinois Department of Public Aid's) payment for
3 hospital care and the amount that Department would have paid
4 for care in the facility.

5 (b) A facility which violates this Section shall be guilty
6 of a business offense and fined not less than \$500 nor more
7 than \$1,000 for the first offense and not less than \$1,000 nor
8 more than \$5,000 for each subsequent offense.

9 (Source: P.A. 95-331, eff. 8-21-07.)