



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3700

Introduced 2/10/2012, by Sen. Ron Sandack

SYNOPSIS AS INTRODUCED:

210 ILCS 3/30

210 ILCS 3/35.5 new

210 ILCS 5/3

from Ch. 111 1/2, par. 157-8.3

Amends the Alternative Health Care Delivery Act and the Ambulatory Surgical Treatment Center Act. Provides that there shall be no more than a total of 14 postsurgical recovery care center alternative health care models in the demonstration program under the Alternative Health Care Delivery Act, and specifies the locations and ownership-operator arrangements for those facilities. Provides that nothing in the amendatory provisions precludes a hospital and an ambulatory surgical treatment center from forming a joint venture or developing a collaborative agreement to own or operate a postsurgical recovery care center. Provides that once the Department of Public Health has authorized a total of 14 postsurgical recovery care centers, no new postsurgical recovery care centers shall be authorized for the duration of the demonstration program. Provides that an ambulatory surgical treatment center (ASTC) may provide beds or other accommodations for the overnight stay of patients for up to 23 hours and 59 minutes following admission until the time of discharge (instead of that an ASTC shall not provide beds or other accommodations for the overnight stay of patients, except that facilities devoted exclusively to the treatment of children may provide accommodations and beds for their patients for up to 23 hours following admission). Effective immediately.

LRB097 19910 DRJ 65200 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Alternative Health Care Delivery Act is
5 amended by changing Section 30 and by adding Section 35.5 as
6 follows:

7 (210 ILCS 3/30)

8 Sec. 30. Demonstration program requirements. The
9 requirements set forth in this Section shall apply to
10 demonstration programs.

11 (a) (Blank).

12 (a-5) There shall be no more than a the total of 14 number
13 of postsurgical recovery care center alternative health care
14 models in the demonstration program, located as follows:

15 (1) Two in the City of Chicago.

16 (2) Two in Cook County outside the City of Chicago. At
17 least one of these shall be owned by a hospital devoted
18 exclusively to caring for children.

19 (3) Four in DuPage, Kane, Lake, McHenry, and Will
20 counties.

21 (4) Four in municipalities with a population of 50,000
22 or more and not located in the areas described in
23 paragraphs (1), (2), and (3): 3 of which shall be owned and

1 operated by hospitals, at least 2 of which shall be located
2 in counties with a population of less than 175,000
3 according to the most recent decennial census for which
4 data are available; and one of which shall be owned and
5 operated by an ambulatory surgical treatment center.

6 (5) Two in rural areas, both of which shall be owned
7 and operated by hospitals.

8 Nothing in this subsection (a-5) precludes a hospital and
9 an ambulatory surgical treatment center from forming a joint
10 venture or developing a collaborative agreement to own or
11 operate a postsurgical recovery care center. ~~centers with a~~
12 ~~certificate of need for beds as of January 1, 2008.~~

13 (a-10) There shall be no more than a total of 9 children's
14 respite care center alternative health care models in the
15 demonstration program, which shall be located as follows:

16 (1) Two in the City of Chicago.

17 (2) One in Cook County outside the City of Chicago.

18 (3) A total of 2 in the area comprised of DuPage, Kane,
19 Lake, McHenry, and Will counties.

20 (4) A total of 2 in municipalities with a population of
21 50,000 or more and not located in the areas described in
22 paragraphs (1), (2), or (3).

23 (5) A total of 2 in rural areas, as defined by the
24 Health Facilities and Services Review Board.

25 No more than one children's respite care model owned and
26 operated by a licensed skilled pediatric facility shall be

1 located in each of the areas designated in this subsection
2 (a-10).

3 (a-15) There shall be 5 authorized community-based
4 residential rehabilitation center alternative health care
5 models in the demonstration program.

6 (a-20) There shall be an authorized Alzheimer's disease
7 management center alternative health care model in the
8 demonstration program. The Alzheimer's disease management
9 center shall be located in Will County, owned by a
10 not-for-profit entity, and endorsed by a resolution approved by
11 the county board before the effective date of this amendatory
12 Act of the 91st General Assembly.

13 (a-25) There shall be no more than 10 birth center
14 alternative health care models in the demonstration program,
15 located as follows:

16 (1) Four in the area comprising Cook, DuPage, Kane,
17 Lake, McHenry, and Will counties, one of which shall be
18 owned or operated by a hospital and one of which shall be
19 owned or operated by a federally qualified health center.

20 (2) Three in municipalities with a population of 50,000
21 or more not located in the area described in paragraph (1)
22 of this subsection, one of which shall be owned or operated
23 by a hospital and one of which shall be owned or operated
24 by a federally qualified health center.

25 (3) Three in rural areas, one of which shall be owned
26 or operated by a hospital and one of which shall be owned

1 or operated by a federally qualified health center.

2 The first 3 birth centers authorized to operate by the
3 Department shall be located in or predominantly serve the
4 residents of a health professional shortage area as determined
5 by the United States Department of Health and Human Services.
6 There shall be no more than 2 birth centers authorized to
7 operate in any single health planning area for obstetric
8 services as determined under the Illinois Health Facilities
9 Planning Act. If a birth center is located outside of a health
10 professional shortage area, (i) the birth center shall be
11 located in a health planning area with a demonstrated need for
12 obstetrical service beds, as determined by the Health
13 Facilities and Services Review Board or (ii) there must be a
14 reduction in the existing number of obstetrical service beds in
15 the planning area so that the establishment of the birth center
16 does not result in an increase in the total number of
17 obstetrical service beds in the health planning area.

18 (b) Alternative health care models, other than a model
19 authorized under subsection (a-10) or (a-20), shall obtain a
20 certificate of need from the Health Facilities and Services
21 Review Board under the Illinois Health Facilities Planning Act
22 before receiving a license by the Department. If, after
23 obtaining its initial certificate of need, an alternative
24 health care delivery model that is a community based
25 residential rehabilitation center seeks to increase the bed
26 capacity of that center, it must obtain a certificate of need

1 from the Health Facilities and Services Review Board before
2 increasing the bed capacity. Alternative health care models in
3 medically underserved areas shall receive priority in
4 obtaining a certificate of need.

5 (c) An alternative health care model license shall be
6 issued for a period of one year and shall be annually renewed
7 if the facility or program is in substantial compliance with
8 the Department's rules adopted under this Act. A licensed
9 alternative health care model that continues to be in
10 substantial compliance after the conclusion of the
11 demonstration program shall be eligible for annual renewals
12 unless and until a different licensure program for that type of
13 health care model is established by legislation, except that a
14 postsurgical recovery care center meeting the following
15 requirements may apply within 3 years after August 25, 2009
16 (the effective date of Public Act 96-669) for a Certificate of
17 Need permit to operate as a hospital:

18 (1) The postsurgical recovery care center shall apply
19 to the ~~Illinois~~ Health Facilities and Services Review
20 ~~Planning~~ Board for a Certificate of Need permit to
21 discontinue the postsurgical recovery care center and to
22 establish a hospital.

23 (2) If the postsurgical recovery care center obtains a
24 Certificate of Need permit to operate as a hospital, it
25 shall apply for licensure as a hospital under the Hospital
26 Licensing Act and shall meet all statutory and regulatory

1 requirements of a hospital.

2 (3) After obtaining licensure as a hospital, any
3 license as an ambulatory surgical treatment center and any
4 license as a post-surgical recovery care center shall be
5 null and void.

6 (4) The former postsurgical recovery care center that
7 receives a hospital license must seek and use its best
8 efforts to maintain certification under Titles XVIII and
9 XIX of the federal Social Security Act.

10 The Department may issue a provisional license to any
11 alternative health care model that does not substantially
12 comply with the provisions of this Act and the rules adopted
13 under this Act if (i) the Department finds that the alternative
14 health care model has undertaken changes and corrections which
15 upon completion will render the alternative health care model
16 in substantial compliance with this Act and rules and (ii) the
17 health and safety of the patients of the alternative health
18 care model will be protected during the period for which the
19 provisional license is issued. The Department shall advise the
20 licensee of the conditions under which the provisional license
21 is issued, including the manner in which the alternative health
22 care model fails to comply with the provisions of this Act and
23 rules, and the time within which the changes and corrections
24 necessary for the alternative health care model to
25 substantially comply with this Act and rules shall be
26 completed.

1 (d) Alternative health care models shall seek
2 certification under Titles XVIII and XIX of the federal Social
3 Security Act. In addition, alternative health care models shall
4 provide charitable care consistent with that provided by
5 comparable health care providers in the geographic area.

6 (d-5) (Blank).

7 (e) Alternative health care models shall, to the extent
8 possible, link and integrate their services with nearby health
9 care facilities.

10 (f) Each alternative health care model shall implement a
11 quality assurance program with measurable benefits and at
12 reasonable cost.

13 (Source: P.A. 96-31, eff. 6-30-09; 96-129, eff. 8-4-09; 96-669,
14 eff. 8-25-09; 96-812, eff. 1-1-10; 96-1000, eff. 7-2-10;
15 96-1071, eff. 7-16-10; 96-1123, eff. 1-1-11; 97-135, eff.
16 7-14-11; 97-333, eff. 8-12-11; revised 11-18-11.)

17 (210 ILCS 3/35.5 new)

18 Sec. 35.5. Postsurgical recovery care centers; limit. Once
19 the Department has authorized a total of 14 postsurgical
20 recovery care centers as provided in subsection (a-5) of
21 Section 30, no new postsurgical recovery care centers shall be
22 authorized for the duration of the demonstration program.

23 Section 10. The Ambulatory Surgical Treatment Center Act is
24 amended by changing Section 3 as follows:

1 (210 ILCS 5/3) (from Ch. 111 1/2, par. 157-8.3)

2 Sec. 3. As used in this Act, unless the context otherwise
3 requires, the following words and phrases shall have the
4 meanings ascribed to them:

5 (A) "Ambulatory surgical treatment center" means any
6 institution, place or building devoted primarily to the
7 maintenance and operation of facilities for the performance of
8 surgical procedures or any facility in which a medical or
9 surgical procedure is utilized to terminate a pregnancy,
10 irrespective of whether the facility is devoted primarily to
11 this purpose. Such facility may ~~shall not~~ provide beds or other
12 accommodations for the overnight stay of patients; ~~however,~~
13 ~~facilities devoted exclusively to the treatment of children may~~
14 ~~provide accommodations and beds for their patients~~ for up to 23
15 hours and 59 minutes following admission until the time of
16 discharge. Individual patients shall be discharged in an
17 ambulatory condition without danger to the continued well being
18 of the patients or shall be transferred to a hospital.

19 The term "ambulatory surgical treatment center" does not
20 include any of the following:

21 (1) Any institution, place, building or agency
22 required to be licensed pursuant to the "Hospital Licensing
23 Act", approved July 1, 1953, as amended.

24 (2) Any person or institution required to be licensed
25 pursuant to the Nursing Home Care Act, the Specialized

1 Mental Health Rehabilitation Act, or the ID/DD Community
2 Care Act.

3 (3) Hospitals or ambulatory surgical treatment centers
4 maintained by the State or any department or agency
5 thereof, where such department or agency has authority
6 under law to establish and enforce standards for the
7 hospitals or ambulatory surgical treatment centers under
8 its management and control.

9 (4) Hospitals or ambulatory surgical treatment centers
10 maintained by the Federal Government or agencies thereof.

11 (5) Any place, agency, clinic, or practice, public or
12 private, whether organized for profit or not, devoted
13 exclusively to the performance of dental or oral surgical
14 procedures.

15 (B) "Person" means any individual, firm, partnership,
16 corporation, company, association, or joint stock association,
17 or the legal successor thereof.

18 (C) "Department" means the Department of Public Health of
19 the State of Illinois.

20 (D) "Director" means the Director of the Department of
21 Public Health of the State of Illinois.

22 (E) "Physician" means a person licensed to practice
23 medicine in all of its branches in the State of Illinois.

24 (F) "Dentist" means a person licensed to practice dentistry
25 under the Illinois Dental Practice Act.

26 (G) "Podiatrist" means a person licensed to practice

1 podiatry under the Podiatric Medical Practice Act of 1987.
2 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,
3 eff. 1-1-12; revised 9-28-11.)

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