



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2709

by Rep. Kathleen Willis

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, 2013 and December 31, 2017; (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 January 1, 2019. 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.

LRB101 10072 LNS 55175 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 of
11 the State of Illinois or upon any regulation adopted thereunder
12 by an executive or administrative officer or agency; provided,
13 however, the court shall not have jurisdiction (i) to hear or
14 determine claims arising under the Workers' Compensation Act or
15 the Workers' Occupational Diseases Act, or claims for expenses
16 in civil litigation, or (ii) to review administrative decisions
17 for which a statute provides that review shall be in the
18 circuit or appellate court.

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

21 (c) All claims against the State for time unjustly served
22 in prisons of this State when the person imprisoned received a
23 pardon from the governor stating that such pardon is issued on

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

26 (d) All claims against the State for damages in cases

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

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

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

19 (e) All claims for recoupment made by the State of Illinois
20 against any claimant.

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

25 (g) All claims filed pursuant to the Crime Victims
26 Compensation Act.

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

5 (i) All claims authorized by subsection (a) of Section
6 10-55 of the Illinois Administrative Procedure Act for the
7 expenses incurred by a party in a contested case on the
8 administrative level.

9 (j) All quantum meruit claims by medical vendors for
10 medical services rendered by the claimant pursuant to Section
11 5-5.01a of the Illinois Public Aid Code to a person eligible
12 for medical assistance under programs administered by the
13 Department of Healthcare and Family Services if:

14 (1) the services or goods were provided between January
15 1, 2013 and December 31, 2017;

16 (2) at the time the services or goods were provided,
17 the vendor was certified by Medicaid to provide medical
18 services to a person eligible for medical assistance under
19 programs administered by the Department of Healthcare and
20 Family Services;

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

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

24 (5) the claim was filed with the Court of Claims before
25 January 1, 2019.

26 The existence of a vendor agreement between a vendor and

1 the State shall not be a bar, defense, or otherwise defeat a
2 quantum meruit claim under this subsection. The amount due to a
3 vendor under this subsection shall not exceed the Medicaid fee
4 for service rates that would have otherwise been paid to the
5 vendor for a valid claim at the time the services were
6 rendered.

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

8 (705 ILCS 505/22) (from Ch. 37, par. 439.22)

9 Sec. 22. Every claim cognizable by the Court and not
10 otherwise sooner barred by law shall be forever barred from
11 prosecution therein unless it is filed with the Clerk of the
12 Court within the time set forth as follows:

13 (a) All claims arising out of a contract must be filed
14 within 5 years after it first accrues, saving to minors,
15 and persons under legal disability at the time the claim
16 accrues, in which cases the claim must be filed within 5
17 years from the time the disability ceases.

18 (b) All claims cognizable against the State by vendors
19 of goods or services under "The Illinois Public Aid Code",
20 approved April 11, 1967, as amended, must file within one
21 year after the accrual of the cause of action, as provided
22 in Section 11-13 of that Code. This restriction shall not
23 apply to claims made pursuant to subsection (j) of Section
24 8.

25 (c) All claims arising under paragraph (c) of Section 8

1 of this Act must be automatically heard by the court within
2 120 days after the person asserting such claim is either
3 issued a certificate of innocence from the Circuit Court as
4 provided in Section 2-702 of the Code of Civil Procedure,
5 or is granted a pardon by the Governor, whichever occurs
6 later, without the person asserting the claim being
7 required to file a petition under Section 11 of this Act,
8 except as otherwise provided by the Crime Victims
9 Compensation Act. Any claims filed by the claimant under
10 paragraph (c) of Section 8 of this Act must be filed within
11 2 years after the person asserting such claim is either
12 issued a certificate of innocence as provided in Section
13 2-702 of the Code of Civil Procedure, or is granted a
14 pardon by the Governor, whichever occurs later.

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

18 (e) All claims arising under paragraph (h) of Section 8
19 of this Act must be filed within one year of the date of
20 the death of the guardsman or militiaman as provided in
21 Section 3 of the "Illinois National Guardsman's and Naval
22 Militiaman's Compensation Act", approved August 12, 1971,
23 as amended.

24 (f) All claims arising under paragraph (g) of Section 8
25 of this Act must be filed within one year of the crime on
26 which a claim is based as provided in Section 6.1 of the

1 "Crime Victims Compensation Act", approved August 23,
2 1973, as amended.

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

7 (h) All other claims must be filed within 2 years after
8 it first accrues, saving to minors, and persons under legal
9 disability at the time the claim accrues, in which case the
10 claim must be filed within 2 years from the time the
11 disability ceases.

12 (i) The changes made by Public Act 86-458 apply to all
13 warrants issued within the 5 year period preceding August
14 31, 1989 (the effective date of Public Act 86-458). The
15 changes made to this Section by this amendatory Act of the
16 100th General Assembly apply to claims pending on the
17 effective date of this amendatory Act of the 100th General
18 Assembly and to claims filed thereafter.

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

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

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.