

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 Illinois Public Aid Code is amended by  
5 changing Section 5-5e.1 as follows:

6 (305 ILCS 5/5-5e.1)

7 Sec. 5-5e.1. Safety-Net Hospitals.

8 (a) A Safety-Net Hospital is an Illinois hospital that:

9 (1) is licensed by the Department of Public Health as a  
10 general acute care or pediatric hospital; and

11 (2) is a disproportionate share hospital, as described  
12 in Section 1923 of the federal Social Security Act, as  
13 determined by the Department; and

14 (3) meets one of the following:

15 (A) has a MIUR of at least 40% and a charity  
16 percent of at least 4%; or

17 (B) has a MIUR of at least 50%.

18 (b) Definitions. As used in this Section:

19 (1) "Charity percent" means the ratio of (i) the  
20 hospital's charity charges for services provided to  
21 individuals without health insurance or another source of  
22 third party coverage to (ii) the Illinois total hospital  
23 charges, each as reported on the hospital's OBRA form.

1           (2) "MIUR" means Medicaid Inpatient Utilization Rate  
2           and is defined as a fraction, the numerator of which is the  
3           number of a hospital's inpatient days provided in the  
4           hospital's fiscal year ending 3 years prior to the rate  
5           year, to patients who, for such days, were eligible for  
6           Medicaid under Title XIX of the federal Social Security  
7           Act, 42 USC 1396a et seq., excluding those persons eligible  
8           for medical assistance pursuant to 42 U.S.C.  
9           1396a(a)(10)(A)(i)(VIII) as set forth in paragraph 18 of  
10          Section 5-2 of this Article, and the denominator of which  
11          is the total number of the hospital's inpatient days in  
12          that same period, excluding those persons eligible for  
13          medical assistance pursuant to 42 U.S.C.  
14          1396a(a)(10)(A)(i)(VIII) as set forth in paragraph 18 of  
15          Section 5-2 of this Article.

16          (3) "OBRA form" means form HFS-3834, OBRA '93 data  
17          collection form, for the rate year.

18          (4) "Rate year" means the 12-month period beginning on  
19          October 1.

20          (c) Beginning July 1, 2012 and ending on December 31, 2022,  
21          a hospital that would have qualified for the rate year  
22          beginning October 1, 2011 or October 1, 2012, shall be a  
23          Safety-Net Hospital.

24          (d) No later than August 15 preceding the rate year, each  
25          hospital shall submit the OBRA form to the Department. Prior to  
26          October 1, the Department shall notify each hospital whether it

1 has qualified as a Safety-Net Hospital.

2 (e) The Department may promulgate rules in order to  
3 implement this Section.

4 (f) Nothing in this Section shall be construed as limiting  
5 the ability of the Department to include the Safety-Net  
6 Hospitals in the hospital rate reform mandated by Section 14-11  
7 of this Code and implemented under Section 14-12 of this Code  
8 and by administrative rulemaking.

9 (Source: P.A. 100-581, eff. 3-12-18; 101-650, eff. 7-7-20.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.