

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 Sections 3-112, 3-113, and 3-114 as follows:

6 (210 ILCS 45/3-112) (from Ch. 111 1/2, par. 4153-112)

7 Sec. 3-112. (a) Whenever ownership of a facility is
8 transferred from the person named in the license to any other
9 person, the transferee must obtain a new probationary license.
10 The transferee shall notify the Department of the transfer and
11 apply for a new license at least 30 days prior to final
12 transfer.

13 (b) The transferor shall notify the Department at least 30
14 days prior to final transfer. The transferor shall remain
15 responsible for the operation of the facility until such time
16 as a license is issued to the transferee.

17 (c) The transferee shall submit to the Department a
18 transition plan, signed by both the transferee and the
19 transferor, that includes, at a minimum, a detailed
20 explanation of how resident care and appropriate staffing
21 levels shall be maintained until the license has been obtained
22 and the transfer of the facility operations occurs. The
23 transition plan shall be submitted at the same time as notice

1 to the Department of the transfer. The transferor and
2 transferee shall coordinate as necessary to ensure that there
3 are no gaps in care, staffing, and safety during the
4 transition period.

5 The Department shall accept or reject the transition plan
6 within 10 days after submission. If the transition plan is
7 rejected, the Department shall work with the facility, the
8 transferee, and the transferor to bring the transition plan
9 into compliance. If the Department finds that an entity failed
10 to follow an accepted transition plan and ensure residents are
11 provided adequate care during the change of ownership process,
12 and finds actual harm to a resident, the Department shall
13 establish a high-risk designation pursuant to paragraph (9) of
14 Section 3-305. The Department shall issue a violation to the
15 entity that failed to carry out their responsibility under the
16 transition plan that resulted in the violation. As described
17 in this Section, the change of ownership process shall begin
18 upon submission of the transition plan to 30 days after the
19 transfer of the facility.

20 (Source: P.A. 98-756, eff. 7-16-14.)

21 (210 ILCS 45/3-113) (from Ch. 111 1/2, par. 4153-113)

22 Sec. 3-113. (a) The license granted to the transferee
23 shall be subject to the plan of correction submitted by the
24 previous owner and approved by the Department and any
25 conditions contained in a conditional license issued to the

1 previous owner. If there are outstanding violations and no
2 approved plan of correction has been implemented, the
3 Department may issue a conditional license and plan of
4 correction as provided in Sections 3-311 through 3-317. The
5 license granted to a transferee for a facility that is in
6 receivership shall be subject to any contractual obligations
7 assumed by a grantee under the Equity in Long-term Care
8 Quality Act and to the plan submitted by the receiver for
9 continuing and increasing adherence to best practices in
10 providing high-quality nursing home care, unless the grant is
11 repaid, under conditions to be determined by rule by the
12 Department in its administration of the Equity in Long-term
13 Care Quality Act.

14 (b) If the Department finds that an entity failed to
15 follow an accepted transition plan and ensure residents are
16 provided adequate care during the change of ownership process,
17 and finds actual harm to a resident, the Department shall
18 establish a high-risk designation pursuant to paragraph (9) of
19 Section 3-305. The Department shall issue a violation to the
20 entity that failed to carry out their responsibility under the
21 transition plan that caused the violation. As described in
22 this Section, the change of ownership process shall begin upon
23 submission of the transition plan to 30 days after the
24 transfer of the facility.

25 (Source: P.A. 96-1372, eff. 7-29-10.)

1 (210 ILCS 45/3-114) (from Ch. 111 1/2, par. 4153-114)

2 Sec. 3-114. The transferor shall remain liable for all
3 penalties assessed against the facility which are imposed for
4 violations occurring prior to transfer of ownership. If the
5 Department finds that an entity failed to follow an accepted
6 transition plan and ensure residents are provided adequate
7 care during the change of ownership process, and finds actual
8 harm to a resident, the Department shall establish a high-risk
9 designation pursuant to paragraph (9) of Section 3-305. The
10 Department shall issue a violation to the entity that failed
11 to carry out their responsibility under the transition plan
12 that caused the violation. As described in this Section, the
13 change of ownership process shall begin upon submission of the
14 transition plan to 30 days after the transfer of the facility.

15 (Source: P.A. 81-223.)