

1 AN ACT concerning public aid.

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 5B-4 as follows:

6 (305 ILCS 5/5B-4) (from Ch. 23, par. 5B-4)

7 Sec. 5B-4. Payment of assessment; penalty.

8 (a) The assessment imposed by Section 5B-2 shall be due and
9 payable monthly, on the last State business day of the month
10 for occupied bed days reported for the preceding third month
11 prior to the month in which the tax is payable and due, except
12 as described by the criteria in subsection (b). ~~A facility that~~
13 ~~has delayed payment due to the State's failure to reimburse for~~
14 ~~services rendered may request an extension on the due date for~~
15 ~~payment pursuant to subsection (b) and shall pay the assessment~~
16 ~~within 30 days of reimbursement by the Department.~~ The Illinois
17 Department may provide that county nursing homes directed and
18 maintained pursuant to Section 5-1005 of the Counties Code may
19 meet their assessment obligation by certifying to the Illinois
20 Department that county expenditures have been obligated for the
21 operation of the county nursing home in an amount at least
22 equal to the amount of the assessment.

23 (a-5) The Illinois Department shall provide for an

1 electronic submission process for each long-term care facility
2 to report at a minimum the number of occupied bed days of the
3 long-term care facility for the reporting period and other
4 reasonable information the Illinois Department requires for
5 the administration of its responsibilities under this Code.
6 Beginning July 1, 2013, a separate electronic submission shall
7 be completed for each long-term care facility in this State
8 operated by a long-term care provider. The Illinois Department
9 shall prepare an assessment bill stating the amount due and
10 payable each month and submit it to each long-term care
11 facility via an electronic process. Each assessment payment
12 shall be accompanied by a copy of the assessment bill sent to
13 the long-term care facility by the Illinois Department. To the
14 extent practicable, the Department shall coordinate the
15 assessment reporting requirements with other reporting
16 required of long-term care facilities.

17 (b) Delay of payment.

18 (1) Nonpayment delay. Payments of assessments shall be
19 automatically delayed for any month for which payment for
20 all Medicaid bed days has not been received by a facility
21 from the Department, a Medicaid managed care organization,
22 or any entity authorized by the Department to make payments
23 on its behalf until at least 30 days have elapsed since the
24 receipt of payment. The Department shall establish, by
25 rule, a process for the determination of delayed payment
26 dates that shall include, at a minimum, notice

1 requirements, but shall not require the facility to apply
2 and be approved for a delay of payment due to nonpayment
3 nor shall any other criteria for the delay be imposed.

4 (2) Hardship deferral. The Illinois Department is
5 authorized to establish delayed payment schedules for
6 long-term care providers that are unable to make assessment
7 payments when due under this Section due to financial
8 difficulties, based on criteria established ~~as determined~~
9 by the Illinois Department. ~~The Illinois Department may not~~
10 ~~deny a request for delay of payment of the assessment~~
11 ~~imposed under this Article if the long-term care provider~~
12 ~~has not been paid for services provided during the month on~~
13 ~~which the assessment is levied.~~

14 (c) If a long-term care provider fails to pay the full
15 amount of an assessment payment when due (including any
16 extensions granted under subsection (b)), there shall, unless
17 waived by the Illinois Department for reasonable cause, be
18 added to the assessment imposed by Section 5B-2 a penalty
19 assessment equal to the lesser of (i) 5% of the amount of the
20 assessment payment not paid on or before the due date plus 5%
21 of the portion thereof remaining unpaid on the last day of each
22 month thereafter or (ii) 100% of the assessment payment amount
23 not paid on or before the due date. For purposes of this
24 subsection, payments will be credited first to unpaid
25 assessment payment amounts (rather than to penalty or
26 interest), beginning with the most delinquent assessment

1 payments. Payment cycles of longer than 60 days shall be one
2 factor the Director takes into account in granting a waiver
3 under this Section.

4 (c-5) If a long-term care facility fails to file its
5 assessment bill with payment, there shall, unless waived by the
6 Illinois Department for reasonable cause, be added to the
7 assessment due a penalty assessment equal to 25% of the
8 assessment due. After July 1, 2013, no penalty shall be
9 assessed under this Section if the Illinois Department does not
10 provide a process for the electronic submission of the
11 information required by subsection (a-5).

12 (d) Nothing in this amendatory Act of 1993 shall be
13 construed to prevent the Illinois Department from collecting
14 all amounts due under this Article pursuant to an assessment
15 imposed before the effective date of this amendatory Act of
16 1993.

17 (e) Nothing in this amendatory Act of the 96th General
18 Assembly shall be construed to prevent the Illinois Department
19 from collecting all amounts due under this Code pursuant to an
20 assessment, tax, fee, or penalty imposed before the effective
21 date of this amendatory Act of the 96th General Assembly.

22 (f) No installment of the assessment imposed by Section
23 5B-2 shall be due and payable until after the Department
24 notifies the long-term care providers, in writing, that the
25 payment methodologies to long-term care providers required
26 under Section 5-5.4 of this Code have been approved by the

1 Centers for Medicare and Medicaid Services of the U.S.
2 Department of Health and Human Services and the waivers under
3 42 CFR 433.68 for the assessment imposed by this Section, if
4 necessary, have been granted by the Centers for Medicare and
5 Medicaid Services of the U.S. Department of Health and Human
6 Services. Upon notification to the Department of approval of
7 the payment methodologies required under Section 5-5.4 of this
8 Code and the waivers granted under 42 CFR 433.68, all
9 installments otherwise due under Section 5B-4 prior to the date
10 of notification shall be due and payable to the Department upon
11 written direction from the Department within 90 days after
12 issuance by the Comptroller of the payments required under
13 Section 5-5.4 of this Code.

14 (Source: P.A. 96-444, eff. 8-14-09; 96-1530, eff. 2-16-11;
15 97-10, eff. 6-14-11; 97-403, eff. 1-1-12; 97-584, eff. 8-26-11;
16 97-813, eff. 7-13-12.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.