



Rep. Elgie R. Sims, Jr.

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LRB100 03844 KTG 25718 a

1 AMENDMENT TO HOUSE BILL 173

2 AMENDMENT NO. _____. Amend House Bill 173 by replacing
3 everything after the enacting clause with the following:

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

1 Department may provide that county nursing homes directed and
2 maintained pursuant to Section 5-1005 of the Counties Code may
3 meet their assessment obligation by certifying to the Illinois
4 Department that county expenditures have been obligated for the
5 operation of the county nursing home in an amount at least
6 equal to the amount of the assessment.

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

24 (b) Delay of payment.

25 (1) Nonpayment delay. Payments of assessments shall be
26 automatically delayed for any month for which payment for

1 all Medicaid bed days has not been received by a facility
2 from the Department, a Medicaid managed care organization,
3 or any entity authorized by the Department to make payments
4 on its behalf until at least 30 days have elapsed since the
5 receipt of payment. The Department shall establish, by
6 rule, a process for the determination of delayed payment
7 dates that shall include, at a minimum, notice
8 requirements, but shall not require the facility to apply
9 and be approved for a delay of payment due to nonpayment
10 nor shall any other criteria for the delay be imposed.

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

21 (c) If a long-term care provider fails to pay the full
22 amount of an assessment payment when due (including any
23 extensions granted under subsection (b)), there shall, unless
24 waived by the Illinois Department for reasonable cause, be
25 added to the assessment imposed by Section 5B-2 a penalty
26 assessment equal to the lesser of (i) 5% of the amount of the

1 assessment payment not paid on or before the due date plus 5%
2 of the portion thereof remaining unpaid on the last day of each
3 month thereafter or (ii) 100% of the assessment payment amount
4 not paid on or before the due date. For purposes of this
5 subsection, payments will be credited first to unpaid
6 assessment payment amounts (rather than to penalty or
7 interest), beginning with the most delinquent assessment
8 payments. Payment cycles of longer than 60 days shall be one
9 factor the Director takes into account in granting a waiver
10 under this Section.

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

19 (d) Nothing in this amendatory Act of 1993 shall be
20 construed to prevent the Illinois Department from collecting
21 all amounts due under this Article pursuant to an assessment
22 imposed before the effective date of this amendatory Act of
23 1993.

24 (e) Nothing in this amendatory Act of the 96th General
25 Assembly shall be construed to prevent the Illinois Department
26 from collecting all amounts due under this Code pursuant to an

1 assessment, tax, fee, or penalty imposed before the effective
2 date of this amendatory Act of the 96th General Assembly.

3 (f) No installment of the assessment imposed by Section
4 5B-2 shall be due and payable until after the Department
5 notifies the long-term care providers, in writing, that the
6 payment methodologies to long-term care providers required
7 under Section 5-5.4 of this Code have been approved by the
8 Centers for Medicare and Medicaid Services of the U.S.
9 Department of Health and Human Services and the waivers under
10 42 CFR 433.68 for the assessment imposed by this Section, if
11 necessary, have been granted by the Centers for Medicare and
12 Medicaid Services of the U.S. Department of Health and Human
13 Services. Upon notification to the Department of approval of
14 the payment methodologies required under Section 5-5.4 of this
15 Code and the waivers granted under 42 CFR 433.68, all
16 installments otherwise due under Section 5B-4 prior to the date
17 of notification shall be due and payable to the Department upon
18 written direction from the Department within 90 days after
19 issuance by the Comptroller of the payments required under
20 Section 5-5.4 of this Code.

21 (Source: P.A. 96-444, eff. 8-14-09; 96-1530, eff. 2-16-11;
22 97-10, eff. 6-14-11; 97-403, eff. 1-1-12; 97-584, eff. 8-26-11;
23 97-813, eff. 7-13-12.)

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