

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. A  
12 facility that has delayed payment due to the State's failure to  
13 reimburse for services rendered may request an extension on the  
14 due date for payment pursuant to subsection (b) and shall pay  
15 the assessment within 30 days of reimbursement by the  
16 Department. The Illinois Department may provide that county  
17 nursing homes directed and maintained pursuant to Section  
18 5-1005 of the Counties Code may meet their assessment  
19 obligation by certifying to the Illinois Department that county  
20 expenditures have been obligated for the operation of the  
21 county nursing home in an amount at least equal to the amount  
22 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) The Illinois Department is authorized to establish  
18 delayed payment schedules for long-term care providers that are  
19 unable to make assessment payments when due under this Section  
20 due to financial difficulties, as determined by the Illinois  
21 Department. The Illinois Department may not deny a request for  
22 delay of payment of the assessment imposed under this Article  
23 if the long-term care provider has not been paid for services  
24 provided during the month on which the assessment is levied or  
25 the Medicaid managed care organization has not been paid by the  
26 State.

1 (c) If a long-term care provider fails to pay the full  
2 amount of an assessment payment when due (including any  
3 extensions granted under subsection (b)), there shall, unless  
4 waived by the Illinois Department for reasonable cause, be  
5 added to the assessment imposed by Section 5B-2 a penalty  
6 assessment equal to the lesser of (i) 5% of the amount of the  
7 assessment payment not paid on or before the due date plus 5%  
8 of the portion thereof remaining unpaid on the last day of each  
9 month thereafter or (ii) 100% of the assessment payment amount  
10 not paid on or before the due date. For purposes of this  
11 subsection, payments will be credited first to unpaid  
12 assessment payment amounts (rather than to penalty or  
13 interest), beginning with the most delinquent assessment  
14 payments. Payment cycles of longer than 60 days shall be one  
15 factor the Director takes into account in granting a waiver  
16 under this Section.

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

25 (d) Nothing in this amendatory Act of 1993 shall be  
26 construed to prevent the Illinois Department from collecting

1 all amounts due under this Article pursuant to an assessment  
2 imposed before the effective date of this amendatory Act of  
3 1993.

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

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

1 (Source: P.A. 96-444, eff. 8-14-09; 96-1530, eff. 2-16-11;  
2 97-10, eff. 6-14-11; 97-403, eff. 1-1-12; 97-584, eff. 8-26-11;  
3 97-813, eff. 7-13-12.)