



Sen. David Koehler

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LRB100 03844 JLS 26768 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. 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

1 nursing homes directed and maintained pursuant to Section  
2 5-1005 of the Counties Code may meet their assessment  
3 obligation by certifying to the Illinois Department that county  
4 expenditures have been obligated for the operation of the  
5 county nursing home in an amount at least equal to the amount  
6 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) The Illinois Department is authorized to establish  
25 delayed payment schedules for long-term care providers that are  
26 unable to make assessment payments when due under this Section

1 due to financial difficulties, as determined by the Illinois  
2 Department. The Illinois Department may not deny a request for  
3 delay of payment of the assessment imposed under this Article  
4 if the long-term care provider has not been paid for services  
5 provided during the month on which the assessment is levied or  
6 the Medicaid managed care organization has not been paid by the  
7 State.

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

24 (c-5) If a long-term care facility fails to file its  
25 assessment bill with payment, there shall, unless waived by the  
26 Illinois Department for reasonable cause, be added to the

1 assessment due a penalty assessment equal to 25% of the  
2 assessment due. After July 1, 2013, no penalty shall be  
3 assessed under this Section if the Illinois Department does not  
4 provide a process for the electronic submission of the  
5 information required by subsection (a-5).

6 (d) Nothing in this amendatory Act of 1993 shall be  
7 construed to prevent the Illinois Department from collecting  
8 all amounts due under this Article pursuant to an assessment  
9 imposed before the effective date of this amendatory Act of  
10 1993.

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

16 (f) No installment of the assessment imposed by Section  
17 5B-2 shall be due and payable until after the Department  
18 notifies the long-term care providers, in writing, that the  
19 payment methodologies to long-term care providers required  
20 under Section 5-5.4 of this Code have been approved by the  
21 Centers for Medicare and Medicaid Services of the U.S.  
22 Department of Health and Human Services and the waivers under  
23 42 CFR 433.68 for the assessment imposed by this Section, if  
24 necessary, have been granted by the Centers for Medicare and  
25 Medicaid Services of the U.S. Department of Health and Human  
26 Services. Upon notification to the Department of approval of

1 the payment methodologies required under Section 5-5.4 of this  
2 Code and the waivers granted under 42 CFR 433.68, all  
3 installments otherwise due under Section 5B-4 prior to the date  
4 of notification shall be due and payable to the Department upon  
5 written direction from the Department within 90 days after  
6 issuance by the Comptroller of the payments required under  
7 Section 5-5.4 of this Code.

8 (Source: P.A. 96-444, eff. 8-14-09; 96-1530, eff. 2-16-11;  
9 97-10, eff. 6-14-11; 97-403, eff. 1-1-12; 97-584, eff. 8-26-11;  
10 97-813, eff. 7-13-12.)".