



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4325

Introduced 1/29/2020, by Rep. Kathleen Willis

SYNOPSIS AS INTRODUCED:

705 ILCS 505/8
705 ILCS 505/22

from Ch. 37, par. 439.8
from Ch. 37, par. 439.22

Amends the Court of Claims Act. Provides that the Court of Claims has exclusive jurisdiction to hear and determine all quantum meruit claims by medical vendors for medical services rendered by the claimant to a person eligible for medical assistance under programs administered by the Department of Healthcare and Family Services if: (1) the services or goods were provided between January 1, 2015 and June 30, 2019; (2) at the time the services or goods were provided, the vendor was certified by Medicaid to provide medical services to persons eligible for medical assistance; (3) the State accepted the services or goods provided; (4) the State has been unjustly enriched or benefited from the services or goods; and (5) the claim was filed with the Court of Claims before March 31, 2020. Provides that the existence of a vendor agreement between a vendor and the State shall not be a bar, defense, or otherwise defeat a quantum meruit claim. Provides that the amount due to a vendor shall not exceed the Medicaid fee for service rates that would have otherwise been paid to the vendor for a valid claim at the time the services were rendered. Makes a corresponding change. Effective immediately.

LRB101 18260 LNS 67705 b

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Court of Claims Act is amended by changing
5 Sections 8 and 22 as follows:

6 (705 ILCS 505/8) (from Ch. 37, par. 439.8)

7 Sec. 8. Court of Claims jurisdiction; deliberation
8 periods. The court shall have exclusive jurisdiction to hear
9 and determine the following matters:

10 (a) All claims against the State founded upon any law
11 of the State of Illinois or upon any regulation adopted
12 thereunder by an executive or administrative officer or
13 agency; provided, however, the court shall not have
14 jurisdiction (i) to hear or determine claims arising under
15 the Workers' Compensation Act or the Workers' Occupational
16 Diseases Act, or claims for expenses in civil litigation,
17 or (ii) to review administrative decisions for which a
18 statute provides that review shall be in the circuit or
19 appellate court.

20 (b) All claims against the State founded upon any
21 contract entered into with the State of Illinois.

22 (c) All claims against the State for time unjustly
23 served in prisons of this State when the person imprisoned

1 received a pardon from the Governor stating that such
2 pardon is issued on the ground of innocence of the crime
3 for which he or she was imprisoned or he or she received a
4 certificate of innocence from the Circuit Court as provided
5 in Section 2-702 of the Code of Civil Procedure; provided,
6 the amount of the award is at the discretion of the court;
7 and provided, the court shall make no award in excess of
8 the following amounts: for imprisonment of 5 years or less,
9 not more than \$85,350; for imprisonment of 14 years or less
10 but over 5 years, not more than \$170,000; for imprisonment
11 of over 14 years, not more than \$199,150; and provided
12 further, the court shall fix attorney's fees not to exceed
13 25% of the award granted. On or after the effective date of
14 this amendatory Act of the 95th General Assembly, the court
15 shall annually adjust the maximum awards authorized by this
16 subsection (c) to reflect the increase, if any, in the
17 Consumer Price Index For All Urban Consumers for the
18 previous calendar year, as determined by the United States
19 Department of Labor, except that no annual increment may
20 exceed 5%. For the annual adjustments, if the Consumer
21 Price Index decreases during a calendar year, there shall
22 be no adjustment for that calendar year. The transmission
23 by the Prisoner Review Board or the clerk of the circuit
24 court of the information described in Section 11(b) to the
25 clerk of the Court of Claims is conclusive evidence of the
26 validity of the claim. The changes made by this amendatory

1 Act of the 95th General Assembly apply to all claims
2 pending on or filed on or after the effective date.

3 (d) All claims against the State for damages in cases
4 sounding in tort, if a like cause of action would lie
5 against a private person or corporation in a civil suit,
6 and all like claims sounding in tort against the Medical
7 Center Commission, the Board of Trustees of the University
8 of Illinois, the Board of Trustees of Southern Illinois
9 University, the Board of Trustees of Chicago State
10 University, the Board of Trustees of Eastern Illinois
11 University, the Board of Trustees of Governors State
12 University, the Board of Trustees of Illinois State
13 University, the Board of Trustees of Northeastern Illinois
14 University, the Board of Trustees of Northern Illinois
15 University, the Board of Trustees of Western Illinois
16 University, or the Board of Trustees of the Illinois
17 Mathematics and Science Academy; provided, that an award
18 for damages in a case sounding in tort, other than certain
19 cases involving the operation of a State vehicle described
20 in this paragraph, shall not exceed the sum of \$2,000,000
21 to or for the benefit of any claimant. The \$2,000,000 limit
22 prescribed by this Section does not apply to an award of
23 damages in any case sounding in tort arising out of the
24 operation by a State employee of a vehicle owned, leased or
25 controlled by the State. The defense that the State or the
26 Medical Center Commission or the Board of Trustees of the

1 University of Illinois, the Board of Trustees of Southern
2 Illinois University, the Board of Trustees of Chicago State
3 University, the Board of Trustees of Eastern Illinois
4 University, the Board of Trustees of Governors State
5 University, the Board of Trustees of Illinois State
6 University, the Board of Trustees of Northeastern Illinois
7 University, the Board of Trustees of Northern Illinois
8 University, the Board of Trustees of Western Illinois
9 University, or the Board of Trustees of the Illinois
10 Mathematics and Science Academy is not liable for the
11 negligence of its officers, agents, and employees in the
12 course of their employment is not applicable to the hearing
13 and determination of such claims. The changes to this
14 Section made by this amendatory Act of the 100th General
15 Assembly apply only to claims filed on or after July 1,
16 2015.

17 The court shall annually adjust the maximum awards
18 authorized by this subsection to reflect the increase, if
19 any, in the Consumer Price Index For All Urban Consumers
20 for the previous calendar year, as determined by the United
21 States Department of Labor. The Comptroller shall make the
22 new amount resulting from each annual adjustment available
23 to the public via the Comptroller's official website by
24 January 31 of every year.

25 (e) All claims for recoupment made by the State of
26 Illinois against any claimant.

1 (f) All claims pursuant to the Line of Duty
2 Compensation Act. A claim under that Act must be heard and
3 determined within one year after the application for that
4 claim is filed with the Court as provided in that Act.

5 (g) All claims filed pursuant to the Crime Victims
6 Compensation Act.

7 (h) All claims pursuant to the Illinois National
8 Guardsman's Compensation Act. A claim under that Act must
9 be heard and determined within one year after the
10 application for that claim is filed with the Court as
11 provided in that Act.

12 (i) All claims authorized by subsection (a) of Section
13 10-55 of the Illinois Administrative Procedure Act for the
14 expenses incurred by a party in a contested case on the
15 administrative level.

16 (j) All quantum meruit claims by medical vendors for
17 medical services rendered by the claimant pursuant to Section
18 5-5.01a of the Illinois Public Aid Code to a person eligible
19 for medical assistance under programs administered by the
20 Department of Healthcare and Family Services if:

21 (1) the services or goods were provided between January
22 1, 2015 and June 30, 2019;

23 (2) at the time the services or goods were provided,
24 the vendor was certified by Medicaid to provide medical
25 services to a person eligible for medical assistance under
26 programs administered by the Department of Healthcare and

1 Family Services;

2 (3) the State accepted the services or goods provided;

3 (4) the State has been unjustly enriched or benefited
4 from the services or goods; and

5 (5) the claim was filed with the Court of Claims before
6 March 31, 2020.

7 The existence of a vendor agreement between a vendor and
8 the State shall not be a bar, defense, or otherwise defeat a
9 quantum meruit claim under this subsection. The amount due to a
10 vendor under this subsection shall not exceed the Medicaid fee
11 for service rates that would have otherwise been paid to the
12 vendor for a valid claim at the time the services were
13 rendered.

14 (Source: P.A. 100-1124, eff. 11-27-18.)

15 (705 ILCS 505/22) (from Ch. 37, par. 439.22)

16 Sec. 22. Every claim cognizable by the court ~~Court~~ and not
17 otherwise sooner barred by law shall be forever barred from
18 prosecution therein unless it is filed with the clerk of the
19 court ~~Clerk of the Court~~ within the time set forth as follows:

20 (a) All claims arising out of a contract must be filed
21 within 5 years after it first accrues, saving to minors,
22 and persons under legal disability at the time the claim
23 accrues, in which cases the claim must be filed within 5
24 years from the time the disability ceases.

25 (b) All claims cognizable against the State by vendors

1 of goods or services under the ~~"The~~ Illinois Public Aid
2 Code", ~~approved April 11, 1967, as amended,~~ must file
3 within one year after the accrual of the cause of action,
4 as provided in Section 11-13 of that Code. This restriction
5 shall not apply to claims made pursuant to subsection (j)
6 of Section 8.

7 (c) All claims arising under paragraph (c) of Section 8
8 of this Act must be automatically heard by the court within
9 120 days after the person asserting such claim is either
10 issued a certificate of innocence from the circuit court
11 ~~Circuit Court~~ as provided in Section 2-702 of the Code of
12 Civil Procedure, or is granted a pardon by the Governor,
13 whichever occurs later, without the person asserting the
14 claim being required to file a petition under Section 11 of
15 this Act, except as otherwise provided by the Crime Victims
16 Compensation Act. Any claims filed by the claimant under
17 paragraph (c) of Section 8 of this Act must be filed within
18 2 years after the person asserting such claim is either
19 issued a certificate of innocence as provided in Section
20 2-702 of the Code of Civil Procedure, or is granted a
21 pardon by the Governor, whichever occurs later.

22 (d) All claims arising under paragraph (f) of Section 8
23 of this Act must be filed within the time set forth in
24 Section 3 of the Line of Duty Compensation Act.

25 (e) All claims arising under paragraph (h) of Section 8
26 of this Act must be filed within one year of the date of

1 the death of the guardsman or militiaman as provided in
2 Section 3 of the "~~Illinois National Guardsman's and Naval~~
3 ~~Militiaman's Compensation Act~~", ~~approved August 12, 1971,~~
4 ~~as amended.~~

5 (f) All claims arising under paragraph (g) of Section 8
6 of this Act must be filed within one year of the crime on
7 which a claim is based as provided in Section 6.1 of the
8 "~~Crime Victims Compensation Act~~", ~~approved August 23,~~
9 ~~1973, as amended.~~

10 (g) All claims arising from the Comptroller's refusal
11 to issue a replacement warrant pursuant to Section 10.10 of
12 the State Comptroller Act must be filed within 5 years
13 after the date of the Comptroller's refusal.

14 (h) All other claims must be filed within 2 years after
15 it first accrues, saving to minors, and persons under legal
16 disability at the time the claim accrues, in which case the
17 claim must be filed within 2 years from the time the
18 disability ceases.

19 (i) The changes made by Public Act 86-458 apply to all
20 warrants issued within the 5-year ~~5-year~~ period preceding
21 August 31, 1989 (the effective date of Public Act 86-458).
22 The changes made to this Section by Public Act 100-1124
23 ~~this amendatory Act of the 100th General Assembly~~ apply to
24 claims pending on November 27, 2018 (the effective date of
25 Public Act 100-1124) ~~this amendatory Act of the 100th~~
26 ~~General Assembly~~ and to claims filed thereafter.

1 (j) All time limitations established under this Act and
2 the rules promulgated under this Act shall be binding and
3 jurisdictional, except upon extension authorized by law or
4 rule and granted pursuant to a motion timely filed.

5 (Source: P.A. 100-1124, eff. 11-27-18; revised 7-16-19.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.