



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5183

Introduced 1/31/2022, by Rep. Anna Moeller

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5B-5

from Ch. 23, par. 5B-5

Amends the Long-Term Care Provider Funding Article of the Illinois Public Aid Code. In provisions concerning annual reporting, provides that a provider who commences operating or maintaining a long-term care facility that was under a prior ownership and remained licensed by the Department of Public Health shall notify the Department of Healthcare and Family Services of any change in ownership, regardless of percentage, and shall be responsible to immediately pay any prior amounts owed by the facility. Provides that within 90 days after the effective date of the amendatory Act, all providers operating or maintaining a long-term care facility shall notify the Department of all individual owners and any individuals or organizations that are part of a limited liability company with ownership of that facility and the percentage ownership of each owner. Provides that this ownership reporting requirement does not include individual shareholders in a publicly held corporation. Effective immediately.

LRB102 23861 KTG 33054 b

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-5 as follows:

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

7 Sec. 5B-5. Annual reporting; penalty; maintenance of
8 records.

9 (a) After December 31 of each year, and on or before March
10 31 of the succeeding year, every long-term care provider
11 subject to assessment under this Article shall file a report
12 with the Illinois Department. The report shall be in a form and
13 manner prescribed by the Illinois Department and shall state
14 the revenue received by the long-term care provider, reported
15 in such categories as may be required by the Illinois
16 Department, and other reasonable information the Illinois
17 Department requires for the administration of its
18 responsibilities under this Code.

19 (b) If a long-term care provider operates or maintains
20 more than one long-term care facility in this State, the
21 provider may not file a single return covering all those
22 long-term care facilities, but shall file a separate return
23 for each long-term care facility and shall compute and pay the

1 assessment for each long-term care facility separately.

2 (c) Notwithstanding any other provision in this Article,
3 in the case of a person who ceases to operate or maintain a
4 long-term care facility in respect of which the person is
5 subject to assessment under this Article as a long-term care
6 provider, the person shall file a final, amended return with
7 the Illinois Department not more than 90 days after the
8 cessation reflecting the adjustment and shall pay with the
9 final return the assessment for the year as so adjusted (to the
10 extent not previously paid). If a person fails to file a final
11 amended return on a timely basis, there shall, unless waived
12 by the Illinois Department for reasonable cause, be added to
13 the assessment due a penalty assessment equal to 25% of the
14 assessment due.

15 (d) Notwithstanding any other provision of this Article, a
16 provider who commences operating or maintaining a long-term
17 care facility that was under a prior ownership and remained
18 licensed by the Department of Public Health shall notify the
19 Illinois Department of any ~~the~~ change in ownership, regardless
20 of percentage, and shall be responsible to immediately pay any
21 prior amounts owed by the facility. In addition, within 90
22 days after the effective date of this amendatory Act of the
23 102nd General Assembly, all providers operating or maintaining
24 a long-term care facility shall notify the Illinois Department
25 of all individual owners and any individuals or organizations
26 that are part of a limited liability company with ownership of

1 that facility and the percentage ownership of each owner. This
2 ownership reporting requirement does not include individual
3 shareholders in a publicly held corporation.

4 (e) The Department shall develop a procedure for sharing
5 with a potential buyer of a facility information regarding
6 outstanding assessments and penalties owed by that facility.

7 (f) In the case of a long-term care provider existing as a
8 corporation or legal entity other than an individual, the
9 return filed by it shall be signed by its president,
10 vice-president, secretary, or treasurer or by its properly
11 authorized agent.

12 (g) If a long-term care provider fails to file its return
13 on or before the due date of the return, there shall, unless
14 waived by the Illinois Department for reasonable cause, be
15 added to the assessment imposed by Section 5B-2 a penalty
16 assessment equal to 25% of the assessment imposed for the
17 year. After July 1, 2013, no penalty shall be assessed if the
18 Illinois Department has not established a process for the
19 electronic submission of information.

20 (h) Every long-term care provider subject to assessment
21 under this Article shall keep records and books that will
22 permit the determination of occupied bed days on a calendar
23 year basis. All such books and records shall be kept in the
24 English language and shall, at all times during business hours
25 of the day, be subject to inspection by the Illinois
26 Department or its duly authorized agents and employees.

1 (i) The Illinois Department shall establish a process for
2 long-term care providers to electronically submit all
3 information required by this Section no later than July 1,
4 2013.

5 (Source: P.A. 96-1530, eff. 2-16-11; 97-403, eff. 1-1-12;
6 97-813, eff. 7-13-12.)

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