



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5537

Introduced 2/9/2024, by Rep. Yolonda Morris

SYNOPSIS AS INTRODUCED:

20 ILCS 3960/5.4
55 ILCS 5/5-21001

from Ch. 34, par. 5-21001

Amends the Illinois Health Facilities Planning Act. Removes an exception for skilled and intermediate long-term care facilities licensed under the Nursing Home Care Act from providing a Safety Net Impact Statement as part of its general review criteria. Includes nursing homes operated by a county in a list of safety net service providers. Provides that facilities operated by a county shall provide in the facility's Safety Net Impact Statement the number of the facility's Medicaid and Medicare certified beds for the 3 fiscal years prior to the application. Requires the State Board Staff Report to include a statement of findings regarding the project's safety net impact under specified circumstances, and that the State Board Staff's assessment shall be considered in determining whether the project fulfills the public interest requirements. Amends the County Homes Division of the Counties Code. Removes a requirement that two-thirds of the county board is required sell, dispose of, or lease for any term, any part of the home properties, and requires a referendum before selling any home (rather than requiring a referendum only for homes that were erected after referendum approval by the voters of the county). Adds referendum language for the selling, disposition of, or lease of a home.

LRB103 37655 AWJ 67782 b

1 AN ACT concerning health.

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

4 Section 5. The Illinois Health Facilities Planning Act is
5 amended by changing Section 5.4 as follows:

6 (20 ILCS 3960/5.4)

7 (Section scheduled to be repealed on December 31, 2029)

8 Sec. 5.4. Safety Net Impact Statement.

9 (a) General review criteria shall include a requirement
10 that all health care facilities, ~~with the exception of skilled~~
11 ~~and intermediate long term care facilities licensed under the~~
12 ~~Nursing Home Care Act,~~ provide a Safety Net Impact Statement,
13 which shall be filed with an application for a substantive
14 project or when the application proposes to discontinue a
15 category of service.

16 (b) For the purposes of this Section, "safety net
17 services" are services provided by health care providers or
18 organizations that deliver health care services to persons
19 with barriers to mainstream health care due to lack of
20 insurance, inability to pay, special needs, ethnic or cultural
21 characteristics, or geographic isolation. Safety net service
22 providers include, but are not limited to, hospitals and
23 private practice physicians that provide charity care,

1 school-based health centers, migrant health clinics, rural
2 health clinics, federally qualified health centers, community
3 health centers, public health departments, ~~and~~ community
4 mental health centers, and county-operated nursing homes.

5 (c) As developed by the applicant, a Safety Net Impact
6 Statement shall describe all of the following:

7 (1) The project's material impact, if any, on
8 essential safety net services in the community, including
9 the impact on racial and health care disparities in the
10 community, to the extent that it is feasible for an
11 applicant to have such knowledge.

12 (2) The project's impact on the ability of another
13 provider or health care system to cross-subsidize safety
14 net services, if reasonably known to the applicant.

15 (3) How the discontinuation of a facility or service
16 might impact the remaining safety net providers in a given
17 community, if reasonably known by the applicant.

18 (d) Safety Net Impact Statements shall also include all of
19 the following:

20 (1) For the 3 fiscal years prior to the application, a
21 certification describing the amount of charity care
22 provided by the applicant. The amount calculated by
23 hospital applicants shall be in accordance with the
24 reporting requirements for charity care reporting in the
25 Illinois Community Benefits Act. Non-hospital applicants
26 shall report charity care, at cost, in accordance with an

1 appropriate methodology specified by the Board.

2 (2) For the 3 fiscal years prior to the application, a
3 certification of the amount of care provided to Medicaid
4 patients. Hospital and non-hospital applicants shall
5 provide Medicaid information in a manner consistent with
6 the information reported each year to the State Board
7 regarding "Inpatients and Outpatients Served by Payor
8 Source" and "Inpatient and Outpatient Net Revenue by Payor
9 Source" as required by the Board under Section 13 of this
10 Act and published in the Annual Hospital Profile.
11 Facilities operated by a county shall also provide the
12 number of the facility's Medicaid and Medicare certified
13 beds for the 3 fiscal years prior to the application.

14 (3) Any information the applicant believes is directly
15 relevant to safety net services, including information
16 regarding teaching, research, and any other service.

17 (e) The Board staff shall publish a notice, that an
18 application accompanied by a Safety Net Impact Statement has
19 been filed, in a newspaper having general circulation within
20 the area affected by the application. If no newspaper has a
21 general circulation within the county, the Board shall post
22 the notice in 5 conspicuous places within the proposed area.

23 (f) Any person, community organization, provider, or
24 health system or other entity wishing to comment upon or
25 oppose the application may file a Safety Net Impact Statement
26 Response with the Board, which shall provide additional

1 information concerning a project's impact on safety net
2 services in the community.

3 (g) Applicants shall be provided an opportunity to submit
4 a reply to any Safety Net Impact Statement Response.

5 (h) The State Board Staff Report shall include a statement
6 as to whether a Safety Net Impact Statement was filed by the
7 applicant and whether it included information on charity care,
8 the amount of care provided to Medicaid patients, and
9 information on teaching, research, or any other service
10 provided by the applicant directly relevant to safety net
11 services. The report shall also indicate the names of the
12 parties submitting responses and the number of responses and
13 replies, if any, that were filed. If an application for a
14 permit to discontinue or change ownership of a health care
15 facility has been deemed substantially complete by the State
16 Board staff, but the applicant was unable to describe the
17 project impacts under subsections (c) and (d), the State Board
18 Staff Report shall include a statement of findings regarding
19 the project's safety net impact. The State Board staff's
20 assessment shall be considered in determining whether the
21 project fulfills the public interest requirements in paragraph
22 (3) of subsection (d) of Section 6.

23 (Source: P.A. 102-4, eff. 4-27-21.)

24 Section 10. The Counties Code is amended by changing
25 Section 5-21001 as follows:

1 (55 ILCS 5/5-21001) (from Ch. 34, par. 5-21001)

2 Sec. 5-21001. Establishment and maintenance of county
3 home. In any county which establishes and maintains a county
4 sheltered care home or a county nursing home for the care of
5 infirm or chronically ill persons, as provided in Section
6 5-1005, the County Board shall have power:

7 1. To acquire in the name of the county by purchase, grant,
8 gift, or legacy, a suitable tract or tracts of land upon which
9 to erect and maintain the home, and in connection therewith a
10 farm or acreage for the purpose of providing supplies for the
11 home and employment for such patients as are able to work and
12 benefit thereby.

13 The board shall expend not more than \$20,000 for the
14 purchase of any such land or the erection of buildings without
15 a 2/3 vote of all its members in counties of 300,000 or more
16 population, or a favorable vote of at least a majority of all
17 its members in counties under 300,000 population.

18 2. To receive in the name of the county, gifts and legacies
19 to aid in the erection or maintenance of the home.

20 3. To appoint a superintendent and all necessary employees
21 for the management and control of the home and to prescribe
22 their compensation and duties.

23 4. To arrange for physicians' or other health care
24 professionals' services and other medical care for the
25 patients in the home and prescribe the compensation and duties

1 of physicians so designated.

2 5. To control the admission and discharge of patients in
3 the home.

4 6. To fix the rate per day, week, or month which it will
5 charge for care and maintenance of the patients. Rates so
6 established may vary according to the amount of care required,
7 but the rates shall be uniform for all persons or agencies
8 purchasing care in the home except rates for persons who are
9 able to purchase their own care may approximate actual cost.

10 7. To make all rules and regulations for the management of
11 the home and of the patients therein.

12 8. To make appropriations from the county treasury for the
13 purchase of land and the erection of buildings for the home,
14 and to defray the expenses necessary for the care and
15 maintenance of the home and for providing maintenance,
16 personal care and nursing services to the patients therein,
17 and to cause an amount sufficient for those purposes to be
18 levied upon the taxable property of the counties and collected
19 as other taxes and further providing that in counties with a
20 population of not more than 1,000,000 to levy and collect
21 annually a tax of not to exceed .1% of the value, as equalized
22 or assessed by the Department of Revenue, of all the taxable
23 property in the county for these purposes. The tax shall be in
24 addition to all other taxes which the county is authorized to
25 levy on the aggregate valuation of the property within the
26 county and shall not be included in any limitation of the tax

1 rate upon which taxes are required to be extended, but shall be
 2 excluded therefrom and in addition thereto. The tax shall be
 3 levied and collected in like manner as the general taxes of the
 4 county, and when collected, shall be paid into a special fund
 5 in the county treasury and used only as herein authorized. No
 6 such tax shall be levied or increased from a rate lower than
 7 the maximum rate in any such county until the question of
 8 levying such tax has first been submitted to the voters of such
 9 county at an election held in such county, and has been
 10 approved by a majority of such voters voting thereon. The
 11 corporate authorities shall certify the question of levying
 12 such tax to the proper election officials, who shall submit
 13 the question to the voters at an election held in accordance
 14 with the general election law.

15 The proposition shall be in substantially the following
 16 form:

17 -----
 18 Shall County be authorized
 19 to levy and collect a tax at a rate not YES
 20 to exceed .1% for the purpose of -----
 21 (purchasing, maintaining) a NO
 22 county nursing home?
 23 -----

24 If a majority of votes cast on the question are in favor,
 25 the county shall be authorized to levy the tax.

26 If the county has levied such tax at a rate lower than the

1 maximum rate set forth in this Section, the county board may
 2 increase the rate of the tax, but not to exceed such maximum
 3 rate, by certifying the proposition of such increase to the
 4 proper election officials for submission to the voters of the
 5 county at a regular election in accordance with the general
 6 election law. The proposition shall be in substantially the
 7 following form:

8 -----

9 Shall the maximum rate
 10 of the tax levied by..... YES

11 County for the purpose of.....
 12 (purchasing, maintaining) a -----
 13 county nursing home be
 14 increased from..... to NO
 15 (not to exceed .1%)

16 -----

17 If a majority of all the votes cast upon the proposition
 18 are in favor thereof, the county board may levy the tax at a
 19 rate not to exceed the rate set forth in this Section.

20 9. ~~To Upon the vote of a 2/3 majority of all the members of~~
 21 ~~the board, to~~ sell, dispose of or lease for any term, any part
 22 of the home properties in such manner and upon such terms as it
 23 deems best for the interest of the county, and to make and
 24 execute all necessary conveyances thereof in the same manner
 25 as other conveyances of real estate may be made by a county.
 26 ~~However, if the home was erected after referendum approval by~~

1 ~~the voters of the county, it shall not be sold or disposed of~~
2 ~~except~~ after referendum approval thereof by a majority of the
3 voters of the county voting thereon.

4 A referendum to sell the home shall be in substantially
5 the following form:

6 -----
7 -----

7 Shall.....County sell (county
8 home) to (entity name), an (entity
9 type) located at (principal address),
10 which was incorporated on (incorporation date),
11 and whose managers and members are
12 for (sale price)?

13 -----
14 -----

14 Votes shall be recorded as "Yes" or "No".

15 A referendum to close the home shall be in substantially
16 the following form:

17 -----
18 -----

18 Shall.....County close
19 (county home), the county nursing home
20 located at (address)?

21 -----
22 -----

22 Votes shall be recorded as "Yes" or "No".

23 The proposition to lease the home shall be in
24 substantially the following form:

25 -----
26 -----

26 Shall.....County lease (county

1 home) to (entity name), an (entity
 2 type) located at (principal address),
 3 which was incorporated on (incorporation date),
 4 and whose managers and members are ...
 5 for (lease amount) for a term of
 6 not more than (years)?

7 -----

8 Votes shall be recorded as "Yes" or "No".

9 If the home was erected after referendum approval by the
 10 voters of the county, the county nursing home may be leased
 11 upon the vote of a 3/5 majority of all the members of the
 12 board.

13 10. To operate a sheltered care home as a part of a county
 14 nursing home provided that a license to do so is obtained
 15 pursuant to the Nursing Home Care Act, as amended.

16 (Source: P.A. 99-581, eff. 1-1-17.)