

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7 (Section scheduled to be repealed on December 31, 2029)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, including nursing homes
11 operated by a county, but otherwise with the exception of
12 skilled and intermediate long-term care facilities licensed
13 under the Nursing Home Care Act, provide a Safety Net Impact
14 Statement, which shall be filed with an application for a
15 substantive project or when the application proposes to
16 discontinue a category of service. A Safety Net Impact
17 Statement shall also be filed with an application to change
18 ownership of a nursing home operated by a county.

19 (b) For the purposes of this Section, "safety net
20 services" are services provided by health care providers or
21 organizations that deliver health care services to persons
22 with barriers to mainstream health care due to lack of
23 insurance, inability to pay, special needs, ethnic or cultural

1 characteristics, or geographic isolation. Safety net service
2 providers include, but are not limited to, hospitals and
3 private practice physicians that provide charity care,
4 school-based health centers, migrant health clinics, rural
5 health clinics, federally qualified health centers, community
6 health centers, public health departments, ~~and~~ community
7 mental health centers, and nursing homes operated by a county.

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

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

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

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

21 (d) Safety Net Impact Statements shall also include all of
22 the following:

23 (1) For the 3 fiscal years prior to the application, a
24 certification describing the amount of charity care
25 provided by the applicant. The amount calculated by
26 hospital applicants shall be in accordance with the

1 reporting requirements for charity care reporting in the
2 Illinois Community Benefits Act. Non-hospital applicants
3 shall report charity care, at cost, in accordance with an
4 appropriate methodology specified by the Board.

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

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

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

26 (f) Any person, community organization, provider, or

1 health system or other entity wishing to comment upon or
2 oppose the application may file a Safety Net Impact Statement
3 Response with the Board, which shall provide additional
4 information concerning a project's impact on safety net
5 services in the community.

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

8 (h) The State Board Staff Report shall include a statement
9 as to whether a Safety Net Impact Statement was filed by the
10 applicant and whether it included information on charity care,
11 the amount of care provided to Medicaid patients, and
12 information on teaching, research, or any other service
13 provided by the applicant directly relevant to safety net
14 services. The report shall also indicate the names of the
15 parties submitting responses and the number of responses and
16 replies, if any, that were filed.

17 The State Board Staff Report shall also include a
18 statement of findings about an application's safety net impact
19 when the application:

20 (1) proposes a substantive project at a nursing home
21 operated by a county;

22 (2) includes a change of ownership of a nursing home
23 currently operated by a county; or

24 (3) proposes to discontinue services at a nursing home
25 operated by a county.

26 The findings shall be considered when determining whether

1 an application fulfills the public interest requirements of
2 this Act.

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

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

6 (55 ILCS 5/5-21001) (from Ch. 34, par. 5-21001)

7 Sec. 5-21001. Establishment and maintenance of county
8 home. In any county which establishes and maintains a county
9 sheltered care home or a county nursing home for the care of
10 infirm or chronically ill persons, as provided in Section
11 5-1005, the County Board shall have power:

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

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

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

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

4 4. To arrange for physicians' or other health care
5 professionals' services and other medical care for the
6 patients in the home and prescribe the compensation and duties
7 of physicians so designated.

8 5. To control the admission and discharge of patients in
9 the home.

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

16 7. To make all rules and regulations for the management of
17 the home and of the patients therein.

18 8. To make appropriations from the county treasury for the
19 purchase of land and the erection of buildings for the home,
20 and to defray the expenses necessary for the care and
21 maintenance of the home and for providing maintenance,
22 personal care and nursing services to the patients therein,
23 and to cause an amount sufficient for those purposes to be
24 levied upon the taxable property of the counties and collected
25 as other taxes and further providing that in counties with a
26 population of not more than 1,000,000 to levy and collect

1 annually a tax of not to exceed .1% of the value, as equalized
 2 or assessed by the Department of Revenue, of all the taxable
 3 property in the county for these purposes. The tax shall be in
 4 addition to all other taxes which the county is authorized to
 5 levy on the aggregate valuation of the property within the
 6 county and shall not be included in any limitation of the tax
 7 rate upon which taxes are required to be extended, but shall be
 8 excluded therefrom and in addition thereto. The tax shall be
 9 levied and collected in like manner as the general taxes of the
 10 county, and when collected, shall be paid into a special fund
 11 in the county treasury and used only as herein authorized. No
 12 such tax shall be levied or increased from a rate lower than
 13 the maximum rate in any such county until the question of
 14 levying such tax has first been submitted to the voters of such
 15 county at an election held in such county, and has been
 16 approved by a majority of such voters voting thereon. The
 17 corporate authorities shall certify the question of levying
 18 such tax to the proper election officials, who shall submit
 19 the question to the voters at an election held in accordance
 20 with the general election law.

21 The proposition shall be in substantially the following
 22 form:

23 -----
 24 Shall County be authorized
 25 to levy and collect a tax at a rate not YES
 26 to exceed .1% for the purpose of -----

1 ~~the board, to~~ sell, dispose of or lease for any term, any part
 2 of the home properties in such manner and upon such terms as it
 3 deems best for the interest of the county, and to make and
 4 execute all necessary conveyances thereof in the same manner
 5 as other conveyances of real estate may be made by a county.
 6 ~~However, if the home was erected after referendum approval by~~
 7 ~~the voters of the county, it shall not be sold or disposed of~~
 8 ~~except~~ after referendum approval thereof by a majority of the
 9 voters of the county voting thereon.

10 A referendum to sell the home shall be in substantially
 11 the following form:

12 -----
 13 Shall.....County sell (county
 14 home) to (entity name), an (entity
 15 type) located at (principal address),
 16 which was incorporated on (incorporation date),
 17 and whose managers and members are
 18 for (sale price)?

19 -----
 20 Votes shall be recorded as "Yes" or "No".

21 A referendum to close the home shall be in substantially
 22 the following form:

23 -----
 24 Shall.....County close
 25 (county home), the county nursing home
 26 located at (address)?

1 -----

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

3 The proposition to lease the home shall be in
4 substantially the following form:

5 -----

6 Shall.....County lease (county
7 home) to (entity name), an (entity
8 type) located at (principal address),
9 which was incorporated on (incorporation date),
10 and whose managers and members are ...
11 for (lease amount) for a term of
12 not more than (years)?

13 -----

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

15 ~~If the home was erected after referendum approval by the~~
16 ~~voters of the county, the county nursing home may be leased~~
17 ~~upon the vote of a 3/5 majority of all the members of the~~
18 ~~board.~~

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

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