



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3115

Introduced 2/2/2024, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

210 ILCS 45/3-112
210 ILCS 45/3-114

from Ch. 111 1/2, par. 4153-112
from Ch. 111 1/2, par. 4153-114

Amends the Nursing Home Care Act. Provides that owners of a facility must submit a transition plan upon a change of ownership. Requires the transition plan to include a detailed explanation of how resident care and appropriate staffing levels shall be maintained until the license has been obtained and the transfer of facility operations occurs. Provides that the Department of Public Health shall not approve any change of ownership without a sufficient transition plan. Provides penalties for failure to provide a transition plan and ensure residents are provided adequate care during the change of ownership process. Provides that the transferor's liability includes failure to have a sufficient transition plan during the change of ownership process. Effective immediately.

LRB103 36794 CES 66904 b

1 AN ACT concerning regulation.

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

4 Section 5. The Nursing Home Care Act is amended by
5 changing Sections 3-112 and 3-114 as follows:

6 (210 ILCS 45/3-112) (from Ch. 111 1/2, par. 4153-112)

7 Sec. 3-112. (a) Whenever ownership of a facility is
8 transferred from the person named in the license to any other
9 person, the transferee must obtain a new probationary license.
10 The transferee shall notify the Department of the transfer and
11 apply for a new license at least 30 days prior to final
12 transfer.

13 (b) The transferor shall notify the Department at least 30
14 days prior to final transfer. The transferor shall remain
15 responsible for the operation of the facility until such time
16 as a license is issued to the transferee. The transferor shall
17 also submit a transition plan that includes, at a minimum, a
18 detailed explanation of how resident care and appropriate
19 staffing levels shall be maintained until the license has been
20 obtained and the transfer of facility operations occurs. The
21 Department shall not approve any change of ownership without a
22 sufficient transition plan from the transferor. The transferor
23 and transferee shall coordinate as necessary to ensure that

1 there are no gaps in care, staffing, and safety during the
2 transition period. Failure to provide a transition plan and
3 ensure residents are provided adequate care during the change
4 of ownership process shall be considered a high-risk
5 designation pursuant to paragraph (9) of Section 3-305 by the
6 Department. The Department shall assess penalties and fines 2
7 times the maximum amount otherwise allowed, which may be
8 assessed against both the transferor and transferee.

9 (Source: P.A. 98-756, eff. 7-16-14.)

10 (210 ILCS 45/3-114) (from Ch. 111 1/2, par. 4153-114)

11 Sec. 3-114. The transferor shall remain liable for all
12 penalties assessed against the facility which are imposed for
13 violations occurring prior to transfer of ownership. The
14 transferor's liability includes failure to have a sufficient
15 transition plan during the change of ownership process.

16 (Source: P.A. 81-223.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.