



Sen. Julie A. Morrison

Filed: 3/21/2024

10300SB3115sam002

LRB103 36794 CES 71289 a

1 AMENDMENT TO SENATE BILL 3115

2 AMENDMENT NO. _____. Amend Senate Bill 3115 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Nursing Home Care Act is amended by
5 changing Sections 3-112, 3-113, 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.

1 (c) The transferee shall submit to the Department, at the
2 same time as notice to the Department of the transfer, a
3 transition plan signed by both the transferee and the
4 transferor that includes, at a minimum, a detailed explanation
5 of how resident care and appropriate staffing levels shall be
6 maintained until the license has been obtained and the
7 transfer of the facility operations occurs and an explanation
8 of how resident care and appropriate staffing levels shall be
9 maintained after the license has been obtained and the
10 transfer of the facility operations occurs. The transition
11 plan shall cover the time period of 10 days before the transfer
12 is to take place and 10 days after the transfer is complete.
13 The transition plan shall be signed by the transferee and the
14 transferor. The transferee and the transferor shall coordinate
15 as necessary to ensure that there are no gaps in care,
16 staffing, and safety during the transition period.

17 The Department shall approve or deny the transition plan
18 within 15 days after submission. If the Department denies the
19 transition plan, the Department shall work with the transferee
20 and the transferor to bring the transition plan into
21 compliance with this subsection. A denial of the transition
22 plan is not grounds for the Department to deny a change of
23 ownership application.

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

1 Sec. 3-113. (a) The license granted to the transferee
2 shall be subject to the plan of correction submitted by the
3 previous owner and approved by the Department and any
4 conditions contained in a conditional license issued to the
5 previous owner. If there are outstanding violations and no
6 approved plan of correction has been implemented, the
7 Department may issue a conditional license and plan of
8 correction as provided in Sections 3-311 through 3-317. The
9 license granted to a transferee for a facility that is in
10 receivership shall be subject to any contractual obligations
11 assumed by a grantee under the Equity in Long-term Care
12 Quality Act and to the plan submitted by the receiver for
13 continuing and increasing adherence to best practices in
14 providing high-quality nursing home care, unless the grant is
15 repaid, under conditions to be determined by rule by the
16 Department in its administration of the Equity in Long-term
17 Care Quality Act.

18 (b) Failure to follow the transition plan and ensure
19 residents are provided adequate care after a change in
20 ownership shall be considered a high-risk designation under
21 subsection (9) of Section 3-305 by the Department if harm to a
22 resident is found. The transferee is liable for all high-risk
23 designation penalties assessed against the facility regarding
24 the transition plan from the transfer of ownership to 10 days
25 after the transfer is complete.

26 (Source: P.A. 96-1372, eff. 7-29-10.)

1 (210 ILCS 45/3-114) (from Ch. 111 1/2, par. 4153-114)
2 Sec. 3-114. The transferor shall remain liable for all
3 penalties assessed against the facility which are imposed for
4 violations occurring prior to transfer of ownership. Failure
5 to follow the transition plan and ensure residents are
6 provided adequate care before a change in ownership shall be
7 considered a high-risk designation under subsection (9) of
8 Section 3-305 by the Department if harm to a resident is found.
9 (Source: P.A. 81-223.)".