



Sen. Julie A. Morrison

**Filed: 4/9/2024**

10300SB3115sam003

LRB103 36794 CES 72018 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 a  
2 transition plan, signed by both the transferee and the  
3 transferor, that includes, at a minimum, a detailed  
4 explanation of how resident care and appropriate staffing  
5 levels shall be maintained until the license has been obtained  
6 and the transfer of the facility operations occurs. The  
7 transition plan shall be submitted at the same time as notice  
8 to the Department of the transfer. The transferor and  
9 transferee shall coordinate as necessary to ensure that there  
10 are no gaps in care, staffing, and safety during the  
11 transition period.

12       The Department shall accept or reject the transition plan  
13 within 10 days after submission. If the transition plan is  
14 rejected, the Department shall work with the facility, the  
15 transferee, and the transferor to bring the transition plan  
16 into compliance. If the Department finds that an entity failed  
17 to follow an accepted transition plan and ensure residents are  
18 provided adequate care during the change of ownership process,  
19 and finds actual harm to a resident, the Department shall  
20 establish a high-risk designation pursuant to paragraph (9) of  
21 Section 3-305. The Department shall issue a violation to the  
22 entity that failed to carry out their responsibility under the  
23 transition plan that resulted in the violation. As described  
24 in this Section, the change of ownership process shall begin  
25 upon submission of the transition plan to 30 days after the  
26 transfer of the facility.

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

2 (210 ILCS 45/3-113) (from Ch. 111 1/2, par. 4153-113)

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

20 (b) If the Department finds that an entity failed to  
21 follow an accepted transition plan and ensure residents are  
22 provided adequate care during the change of ownership process,  
23 and finds actual harm to a resident, the Department shall  
24 establish a high-risk designation pursuant to paragraph (9) of  
25 Section 3-305. The Department shall issue a violation to the

1 entity that failed to carry out their responsibility under the  
2 transition plan that caused the violation. As described in  
3 this Section, the change of ownership process shall begin upon  
4 submission of the transition plan to 30 days after the  
5 transfer of the facility.

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

7 (210 ILCS 45/3-114) (from Ch. 111 1/2, par. 4153-114)

8 Sec. 3-114. The transferor shall remain liable for all  
9 penalties assessed against the facility which are imposed for  
10 violations occurring prior to transfer of ownership. If the  
11 Department finds that an entity failed to follow an accepted  
12 transition plan and ensure residents are provided adequate  
13 care during the change of ownership process, and finds actual  
14 harm to a resident, the Department shall establish a high-risk  
15 designation pursuant to paragraph (9) of Section 3-305. The  
16 Department shall issue a violation to the entity that failed  
17 to carry out their responsibility under the transition plan  
18 that caused the violation. As described in this Section, the  
19 change of ownership process shall begin upon submission of the  
20 transition plan to 30 days after the transfer of the facility.

21 (Source: P.A. 81-223.)".