

1 AN ACT concerning health care.

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

4 Section 1. Short title. This Act may be cited as the
5 Hospital Access and Accountability Act.

6 Section 5. Health facility defined. "Health facility
7 means a facility that offers acute care services, including
8 entities licensed under the Hospital Licensing Act.

9 Section 10. Notice required. A nonprofit corporation
10 that operates a health facility shall give written notice to
11 the Attorney General 20 days before it sells, leases,
12 conveys, exchanges, transfers, or otherwise disposes of all
13 or substantially all of its assets.

14 Section 15. Notice; consent.

15 (a) A nonprofit corporation, including religious
16 organizations, that operates or controls a health facility or
17 operates or controls a facility that provides similar health
18 care shall be required to provide written notice to and to
19 obtain the written consent of the Attorney General prior to
20 entering into any agreement or transaction to do either of
21 the following:

22 (1) Sell, transfer, lease, exchange, option,
23 convey, or otherwise dispose of its assets to a
24 for-profit or nonprofit corporation or entity when a
25 material amount of the assets of the nonprofit
26 corporation are involved in the agreement or transaction.

27 (2) Transfer control, responsibility, or governance
28 of a material amount of the assets or operations of the
29 nonprofit corporation to any for-profit or nonprofit

1 corporation or entity or to any mutual benefit
2 corporation or entity.

3 The substitution of a new corporate member or members
4 that transfers the control of, responsibility for, or
5 governance of the nonprofit corporation shall be deemed a
6 transfer for the purposes of this Act. The substitution of
7 one or more members of the governing body or any arrangement,
8 written or oral, that would transfer voting control of the
9 members of the governing body shall also be deemed a transfer
10 for the purposes of this Act.

11 (b) The notice to the Attorney General provided for in
12 this Section shall include and contain the information that
13 the Attorney General determines is required. The notice,
14 including any other information provided to the Attorney
15 General under this Act, and that is in the public file, shall
16 be made available by the Attorney General to the public in
17 written form within 30 days after it is received by the
18 Attorney General.

19 (c) This Section shall apply to any foreign nonprofit
20 corporation that operates or controls a health facility or a
21 facility that provides similar health care.

22 Section 20. Attorney General's decision. Within 60 days
23 after receiving the written notice required by Section 15,
24 the Attorney General shall notify the nonprofit corporation
25 in writing of the decision to consent to, give conditional
26 consent to, or not consent to the agreement or transaction.
27 The Attorney General may extend this period for one
28 additional 45-day period if any of the following conditions
29 are satisfied:

30 (1) The extension is necessary to obtain
31 information.

32 (2) The proposed agreement or transaction is
33 substantially modified after the first public meeting

1 conducted by the Attorney General.

2 (3) The proposed agreement or transaction involves
3 a multifacility health system serving multiple
4 communities, rather than a single facility.

5 Section 25. Public meetings. Prior to issuing a written
6 decision, the Attorney General shall conduct one or more
7 public meetings, one of which shall be in the county in which
8 the facility is located, to hear comments from interested
9 parties. At least 14 days before conducting the public
10 meeting, the Attorney General shall provide written notice of
11 the time and place of the meeting through publication in one
12 or more newspapers of general circulation in the affected
13 community, on the Attorney General's Website, and by
14 informing the board of supervisors of the county in which the
15 facility is located. If a substantive change in the proposed
16 agreement or transaction is submitted to the Attorney General
17 after the initial public meeting, the Attorney General may
18 conduct an additional public meeting to hear comments from
19 interested parties with respect to that change.

20 Section 30. Attorney General's powers; costs; contracts.

21 (a) Within the time periods designated in Section 15,
22 the Attorney General may do the following:

23 (1) Contract with, consult, and receive advice from
24 any State agency on those terms and conditions that the
25 Attorney General deems appropriate.

26 (2) In his or her sole discretion, contract with
27 experts or consultants to assist in reviewing the
28 proposed agreement or transaction.

29 (b) Contract costs shall not exceed an amount that is
30 reasonable and necessary to conduct the review and
31 evaluation. The nonprofit corporation, upon request, shall
32 pay the Attorney General promptly for all contract costs.

1 (c) The Attorney General shall be entitled to
2 reimbursement from the nonprofit corporation for all actual,
3 reasonable, direct costs incurred in reviewing, evaluating,
4 and making the determination referred to in this Act,
5 including administrative costs. The nonprofit corporation
6 shall promptly pay the Attorney General, upon request, for
7 all of those costs.

8 (d) In order to monitor effectively ongoing compliance
9 with the terms and conditions of any sale or transfer of
10 assets, including, but not limited to, the ongoing use of the
11 charitable assets in a manner consistent with the trust
12 pursuant to which they are held, the Attorney General may, in
13 his or her sole discretion, contract with experts and
14 consultants to assist in this regard.

15 Contract costs shall not exceed an amount that is
16 reasonable and necessary to conduct the review and
17 evaluation. The nonprofit corporation shall pay the Attorney
18 General promptly for all contract costs.

19 The Attorney General shall be entitled to reimbursement
20 from the nonprofit corporation for all actual, reasonable,
21 and direct costs incurred in monitoring ongoing compliance
22 with the terms and conditions of the sale or transfer of
23 assets, including administrative costs. The nonprofit
24 corporation shall promptly pay the Attorney General upon
25 request for all of those costs.

26 Section 35. Attorney General consent; factors. The
27 Attorney General shall have discretion to consent to, give
28 conditional consent to, or not consent to any agreement or
29 transaction described in Section 15. In making the
30 determination, the Attorney General shall consider any
31 factors that the Attorney General deems relevant, including
32 but not limited to, whether any of the following apply:

33 (1) The agreement or transaction will result in

1 inurement to any private person or entity.

2 (2) The proposed use of the proceeds from the
3 agreement or transaction is consistent with the
4 charitable trust on which the assets are held by the
5 health facility or by the affiliated nonprofit health
6 system.

7 (3) The agreement or transaction involves or
8 constitutes any breach of trust.

9 (4) The Attorney General has been provided with
10 sufficient information and data by the nonprofit
11 corporation to evaluate adequately the agreement or
12 transaction or the effects thereof on the public.

13 (5) The agreement or transaction may create a
14 significant effect on the availability or accessibility
15 of health care services to the affected community.

16 (6) The proposed agreement or transaction is in the
17 public interest and is consistent with State and federal
18 laws.

19 (7) Any corporation involved in the transaction has
20 not engaged in unfair or deceptive practices regarding
21 patients or employees.