



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0528

Introduced 2/4/2009, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

805 ILCS 105/112.35

from Ch. 32, par. 112.35

805 ILCS 105/112.37 new

Amends the General Not For Profit Corporation Act of 1986. Requires a hospital incorporated under the Act to adopt and post in plain view the National Standards on Culturally and Linguistically Appropriate Services (CLAS) recommended by the U.S. Department of Health and Human Services via the Office of Minority Health (OMS), and available for review at the OMS website. Provides that if (i) a court or administrative agency, in any proceeding properly before the court or agency, finds that a hospital that is incorporated under the General Not For Profit Corporation Act of 1986 has provided substandard care to a member of a minority group, (ii) that finding is incorporated into an order of the court or administrative agency that is final and not appealable, and (iii) the Secretary of State receives notice of that final and nonappealable order, then the Secretary of State shall require the hospital to dissolve voluntarily and, if the hospital wishes to continue to operate as a hospital, organize under the Business Corporation Act of 1983 within a period of time as provided by the Secretary by rule. Provides that if a not-for-profit hospital does not voluntarily dissolve within the period required by rule, the Secretary shall dissolve the corporation administratively. Effective immediately.

LRB096 06176 KTG 16258 b

1 AN ACT concerning business.

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

4 Section 5. The General Not For Profit Corporation Act of
5 1986 is amended by changing Section 112.35 and by adding
6 Section 112.37 as follows:

7 (805 ILCS 105/112.35) (from Ch. 32, par. 112.35)

8 Sec. 112.35. Grounds for administrative dissolution. The
9 Secretary of State may dissolve any corporation
10 administratively if:

11 (a) It has failed to file its annual report as required by
12 this Act before the first day of the anniversary month of the
13 corporation of the year in which such annual report becomes
14 due;

15 (b) It has failed to file in the office of the Secretary of
16 State any report after the expiration of the period prescribed
17 in this Act for filing such report;

18 (c) It has failed to pay any fees or charges prescribed by
19 this Act;

20 (d) It has failed to appoint and maintain a registered
21 agent in this State;

22 (e) It has misrepresented any material matter in any
23 application, report, affidavit, or other document filed by the

1 corporation pursuant to this Act; ~~or~~

2 (f) The Secretary of State receives notification from a
3 local liquor commissioner, pursuant to Section 4-4(3) of "The
4 Liquor Control Act of 1934," as now or hereafter amended, that
5 an organization incorporated under this Act and functioning as
6 a club has violated that Act by selling or offering for sale at
7 retail alcoholic liquors without a retailer's license; or -

8 (g) It has failed to dissolve voluntarily as required under
9 Section 112.37.

10 (Source: P.A. 92-33, eff. 7-1-01.)

11 (805 ILCS 105/112.37 new)

12 Sec. 112.37. Not-for-profit hospital; substandard care to
13 member of minority group.

14 Any hospital incorporated under this Act must adopt and
15 post in plain view for the benefit of all patients the National
16 Standards on Culturally and Linguistically Appropriate
17 Services (CLAS) recommended by the U.S. Department of Health
18 and Human Services via the Office of Minority Health (OMS), and
19 available for review at the OMS website. If (i) a court or
20 administrative agency, in any proceeding properly before the
21 court or agency, finds that a hospital that is incorporated
22 under this Act has provided substandard care to a member of a
23 minority group, (ii) that finding is incorporated into an order
24 of the court or administrative agency that is final and not
25 appealable, and (iii) the Secretary of State receives notice of

1 that final and nonappealable order, then the Secretary of State
2 shall require the hospital to dissolve voluntarily and, if the
3 hospital wishes to continue to operate as a hospital, organize
4 under the Business Corporation Act of 1983 within a period of
5 time as provided by the Secretary by rule. If a hospital
6 incorporated under this Act does not voluntarily dissolve
7 within the period required by rule, as required under this
8 Section, the Secretary shall dissolve the corporation
9 administratively as provided in this Act.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.