

**SB0321**



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**SB0321**

Introduced 2/6/2009, by Sen. Dan Kotowski

**SYNOPSIS AS INTRODUCED:**

210 ILCS 45/3-310

from Ch. 111 1/2, par. 4153-310

Amends the Nursing Home Care Act. Provides that if the Director of Public Health determines that it would be in the best interests of the residents of a nursing home to do so, the Director may require that the nursing home use the amount of any penalty assessed under the Act for the purpose of implementing a directed plan of correction rather than pay the amount of the penalty to the Department of Public Health for deposit into the Long Term Care Monitor/Receiver Fund. Provides that if the Director of Public Health requires a facility to use the amount of a penalty for the purpose of implementing a directed plan of correction, it is the Department of Public Health's responsibility to ensure that the facility in fact uses the amount of the penalty for that purpose. Effective immediately.

LRB096 03661 DRJ 13689 b

FISCAL NOTE ACT  
MAY APPLY

**A BILL FOR**

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 changing  
5 Section 3-310 as follows:

6 (210 ILCS 45/3-310) (from Ch. 111 1/2, par. 4153-310)

7 Sec. 3-310. Collection of penalties.

8 (a) Except as provided in subsection (b), all ~~All~~ penalties  
9 shall be paid to the Department within 10 days of receipt of  
10 notice of assessment or, if the penalty is contested under  
11 Section 3-309, within 10 days of receipt of the final decision,  
12 unless the decision is appealed and the order is stayed by  
13 court order under Section 3-713. A penalty assessed under this  
14 Act shall be collected by the Department and shall be deposited  
15 with the State Treasurer into the Long Term Care  
16 Monitor/Receiver Fund. If the person or facility against whom a  
17 penalty has been assessed does not comply with a written demand  
18 for payment within 30 days, the Director shall issue an order  
19 to do any of the following:

20 (1) Direct the State Treasurer to deduct the amount of  
21 the fine from amounts otherwise due from the State for the  
22 penalty and remit that amount to the Department;

23 (2) Add the amount of the penalty to the facility's

1           licensing fee; if the licensee refuses to make the payment  
2           at the time of application for renewal of its license, the  
3           license shall not be renewed; or

4           (3) Bring an action in circuit court to recover the  
5           amount of the penalty.

6           (b) If the Director determines that it would be in the best  
7           interests of the residents of a facility to do so, the Director  
8           may require that the facility use the amount of any penalty  
9           assessed under this Act for the purpose of implementing a  
10           directed plan of correction rather than pay the amount of the  
11           penalty to the Department as provided in subsection (a). If the  
12           Director requires a facility to use the amount of a penalty for  
13           the purpose of implementing a directed plan of correction as  
14           provided in this subsection, it is the Department's  
15           responsibility to ensure that the facility in fact uses the  
16           amount of the penalty for that purpose.

17           (c) With the approval of the federal centers for Medicaid  
18           and Medicare services, the Director of Public Health shall set  
19           aside 50% of the federal civil monetary penalties collected  
20           each year to be used to award grants under the Innovations in  
21           Long-term Care Quality Grants Act.

22           (Source: P.A. 92-784, eff. 8-6-02.)

23           Section 99. Effective date. This Act takes effect upon  
24           becoming law.