



Sen. William Delgado

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1 AMENDMENT TO SENATE BILL 731

2 AMENDMENT NO. _____. Amend Senate Bill 731 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding
5 Sections 5.756 and 5.757 as follows:

6 (30 ILCS 105/5.756 new)

7 Sec. 5.756. The Hospital Licensure Fund.

8 (30 ILCS 105/5.757 new)

9 Sec. 5.757. The Ambulatory Surgical Treatment Center Fund.

10 Section 10. The Ambulatory Surgical Treatment Center Act is
11 amended by changing Sections 5 and 6 and by adding Sections 5.5
12 and 12.5 as follows:

13 (210 ILCS 5/5) (from Ch. 111 1/2, par. 157-8.5)

1 Sec. 5. An application for a license to operate an
2 ambulatory surgical treatment center shall be made to the
3 Department upon forms provided by it and shall contain such
4 information as the Department reasonably requires, which may
5 include affirmative evidence of ability to comply with the
6 provisions of this Act and the standards, rules and
7 regulations, promulgated by virtue thereof.

8 All applications required under this Section shall be
9 signed by the applicant, verified, and accompanied by a license
10 fee established pursuant to Section 5.5 ~~of \$500~~.

11 (Source: P.A. 81-224.)

12 (210 ILCS 5/5.5 new)

13 Sec. 5.5. License fee. The Department shall by rule
14 establish the amount of the license fee required by Section 5
15 of this Act, which shall not exceed \$1,500; provided, however,
16 that prior to the establishment of the amount of the fee, the
17 Department shall obtain written certification from the
18 Department of Healthcare and Family Services that the
19 imposition of the fee and the amount of the fee would not
20 violate the limitations on health care-related taxes imposed by
21 42 U.S.C. 1396b(w) and would not result in a reduction of the
22 amount of federal financial participation received by the State
23 for Medicaid expenditures.

24 (210 ILCS 5/6) (from Ch. 111 1/2, par. 157-8.6)

1 Sec. 6. Upon receipt of an application for a license, the
2 Director may deny the application for any of the following
3 reasons:

4 (1) Conviction of the applicant, or if the applicant is
5 a firm, partnership or association, of any of its members,
6 or if a corporation, of any of its officers or directors,
7 or of the person designated to manage or supervise the
8 facility, of a felony, or of 2 or more misdemeanors
9 involving moral turpitude, as shown by a certified copy of
10 the record of the court of conviction, or, in the case of
11 the conviction of a misdemeanor by a court not of record,
12 as shown by other evidence, if the Director determines,
13 after investigation, that such person has not been
14 sufficiently rehabilitated to warrant the public trust; or
15 other satisfactory evidence that the moral character of the
16 applicant, or manager, or supervisor of the facility is not
17 reputable;

18 (2) The licensure status or record of the applicant, or
19 if the applicant is a firm, partnership or association, of
20 any of its members, or if a corporation, of any of its
21 officers or directors, or of the person designated to
22 manage or supervise the facility, from any other state
23 where the applicant has done business in a similar capacity
24 indicates that granting a license to the applicant would be
25 detrimental to the interests of the public; or

26 (3) The applicant has insufficient financial or other

1 resources to operate and conduct the facility in accordance
2 with the requirements of this Act and the minimum
3 standards, rules and regulations promulgated thereunder.

4 The Director shall only issue a license if he finds that
5 the applicant facility complies with this Act and the rules,
6 regulations and standards promulgated pursuant thereto and:

7 (a) is under the medical supervision of one or more
8 physicians;

9 (b) permits a surgical procedure to be performed only
10 by a physician, podiatrist or dentist who at the time is
11 privileged to have his patients admitted by himself or an
12 associated physician and is himself privileged to perform
13 surgical procedures in at least one Illinois hospital; and

14 (c) maintains adequate medical records for each
15 patient.

16 A license, unless sooner suspended or revoked, shall be
17 renewable annually upon approval by the Department and payment
18 of a license fee as established pursuant to Section 5.5 of this
19 Act ~~of \$300~~. Each license shall be issued only for the premises
20 and persons named in the application and shall not be
21 transferable or assignable. The licenses shall be posted in a
22 conspicuous place on the licensed premises. A placard or
23 registry of all physicians on staff in the facility shall be
24 centrally located and available for inspection to any
25 interested person. The Department may, either before or after
26 the issuance of a license, request the cooperation of the State

1 Fire Marshal. The report and recommendations of this agency
2 shall be in writing and shall state with particularity its
3 findings with respect to compliance or noncompliance with such
4 minimum standards, rules and regulations.

5 The Director may issue a provisional license to any
6 ambulatory surgical treatment center which does not
7 substantially comply with the provisions of this Act and the
8 standards, rules and regulations promulgated by virtue thereof
9 provided that he finds that such ambulatory surgical treatment
10 center will undertake changes and corrections which upon
11 completion will render the ambulatory surgical treatment
12 center in substantial compliance with the provisions of this
13 Act, and the standards, rules and regulations adopted
14 hereunder, and provided that the health and safety of the
15 patients of the ambulatory surgical treatment center will be
16 protected during the period for which such provisional license
17 is issued. The Director shall advise the licensee of the
18 conditions under which such provisional license is issued,
19 including the manner in which the facilities fail to comply
20 with the provisions of the Act, standards, rules and
21 regulations, and the time within which the changes and
22 corrections necessary for such ambulatory surgical treatment
23 center to substantially comply with this Act, and the
24 standards, rules and regulations of the Department relating
25 thereto shall be completed.

26 A person or facility not licensed under this Act or the

1 Hospital Licensing Act shall not hold itself out to the public
2 as a "surgery center" or as a "center for surgery".

3 (Source: P.A. 88-490.)

4 (210 ILCS 5/12.5 new)

5 Sec. 12.5. Ambulatory Surgical Treatment Center Fund. The
6 Department shall deposit all fees and fines collected in
7 relation to the licensure of ambulatory surgical treatment
8 centers into the Ambulatory Surgical Treatment Center Fund, a
9 special fund created in the State treasury, for the purpose of
10 providing funding for the administration of the licensure
11 program for ambulatory surgical treatment centers.

12 Section 15. The Hospital Licensing Act is amended by
13 changing Sections 5 and 6 and by adding Section 14.5 as
14 follows:

15 (210 ILCS 85/5) (from Ch. 111 1/2, par. 146)

16 Sec. 5. (a) An application for a permit to establish a
17 hospital shall be made to the Department upon forms provided by
18 it. This application shall contain such information as the
19 Department reasonably requires, which shall include
20 affirmative evidence on which the Director may make the
21 findings required under Section 6a of this Act.

22 (b) An application for a license to open, conduct, operate,
23 and maintain a hospital shall be made to the Department upon

1 forms provided by it, accompanied by a license fee established
2 pursuant to subsection (b-1), and shall contain such
3 information as the Department reasonably requires, which may
4 include affirmative evidence of ability to comply with the
5 provisions of this Act and the standards, rules, and
6 regulations, promulgated by virtue thereof.

7 (b-1) The Department shall by rule establish the amount of
8 the license fee required by subsection (b), which shall not
9 exceed \$30 per bed; provided, however, that prior to the
10 establishment of the amount of the fee, the Department shall
11 obtain written certification from the Department of Healthcare
12 and Family Services that the imposition of the fee and the
13 amount of the fee would not violate the limitations on health
14 care-related taxes imposed by 42 U.S.C. 1396b(w) and would not
15 result in a reduction of the amount of federal financial
16 participation received by the State for Medicaid expenditures.
17 The Department shall reduce the amount of the proposed fee as
18 necessary to obtain the required certification if the
19 Department of Healthcare and Family Services informs the
20 Department that the amount of the proposed fee may violate the
21 limitations on health care-related taxes imposed by 42 U.S.C.
22 1396b(w) or may result in a reduction of the amount of federal
23 financial participation received by the State for Medicaid
24 expenditures. In addition, the Department may reduce the
25 license fee for any other reason.

26 (c) All applications required under this Section shall be

1 signed by the applicant and shall be verified. Applications on
2 behalf of a corporation or association or a governmental unit
3 or agency shall be made and verified by any two officers
4 thereof.

5 (Source: Laws 1965, p. 2350.)

6 (210 ILCS 85/6) (from Ch. 111 1/2, par. 147)

7 Sec. 6. (a) Upon receipt of an application for a permit to
8 establish a hospital the Director shall issue a permit if he
9 finds (1) that the applicant is fit, willing, and able to
10 provide a proper standard of hospital service for the community
11 with particular regard to the qualification, background, and
12 character of the applicant, (2) that the financial resources
13 available to the applicant demonstrate an ability to construct,
14 maintain, and operate a hospital in accordance with the
15 standards, rules, and regulations adopted pursuant to this Act,
16 and (3) that safeguards are provided which assure hospital
17 operation and maintenance consistent with the public interest
18 having particular regard to safe, adequate, and efficient
19 hospital facilities and services.

20 The Director may request the cooperation of county and
21 multiple-county health departments, municipal boards of
22 health, and other governmental and non-governmental agencies
23 in obtaining information and in conducting investigations
24 relating to such applications.

25 A permit to establish a hospital shall be valid only for

1 the premises and person named in the application for such
2 permit and shall not be transferable or assignable.

3 In the event the Director issues a permit to establish a
4 hospital the applicant shall thereafter submit plans and
5 specifications to the Department in accordance with Section 8
6 of this Act.

7 (b) Upon receipt of an application for license to open,
8 conduct, operate, and maintain a hospital, the Director shall
9 issue a license if he finds the applicant and the hospital
10 facilities comply with standards, rules, and regulations
11 promulgated under this Act. A license, unless sooner suspended
12 or revoked, shall be renewable annually upon approval by the
13 Department and payment of a license fee as established pursuant
14 to Section 5 of this Act. Each license shall be issued only for
15 the premises and persons named in the application and shall not
16 be transferable or assignable. Licenses shall be posted in a
17 conspicuous place on the licensed premises. The Department may,
18 either before or after the issuance of a license, request the
19 cooperation of the State Fire Marshal, county and multiple
20 county health departments, or municipal boards of health to
21 make investigations to determine if the applicant or licensee
22 is complying with the minimum standards prescribed by the
23 Department. The report and recommendations of any such agency
24 shall be in writing and shall state with particularity its
25 findings with respect to compliance or noncompliance with such
26 minimum standards, rules, and regulations.

1 The Director may issue a provisional license to any
2 hospital which does not substantially comply with the
3 provisions of this Act and the standards, rules, and
4 regulations promulgated by virtue thereof provided that he
5 finds that such hospital has undertaken changes and corrections
6 which upon completion will render the hospital in substantial
7 compliance with the provisions of this Act, and the standards,
8 rules, and regulations adopted hereunder, and provided that the
9 health and safety of the patients of the hospital will be
10 protected during the period for which such provisional license
11 is issued. The Director shall advise the licensee of the
12 conditions under which such provisional license is issued,
13 including the manner in which the hospital facilities fail to
14 comply with the provisions of the Act, standards, rules, and
15 regulations, and the time within which the changes and
16 corrections necessary for such hospital facilities to
17 substantially comply with this Act, and the standards, rules,
18 and regulations of the Department relating thereto shall be
19 completed.

20 (Source: P.A. 80-56.)

21 (210 ILCS 85/14.5 new)

22 Sec. 14.5. Hospital Licensure Fund. The Department shall
23 deposit all fees and fines collected in relation to the
24 licensure of hospitals into the Hospital Licensure Fund, a
25 special fund created in the State treasury, for the purpose of

1 providing programs, information, or assistance designed to
2 improve patient safety and quality in hospitals.
3 Notwithstanding any other provision of law, the moneys
4 deposited into the Hospital Licensure Fund shall not be subject
5 to transfer to other funds held by the State or used by the
6 Department for any purposes other than those specified under
7 this Section.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.".