



Sen. Susan Garrett

Filed: 12/4/2012

09700HB0153sam002

LRB097 03116 KMW 72661 a

1 AMENDMENT TO HOUSE BILL 153

2 AMENDMENT NO. _____. Amend House Bill 153, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Health Facilities Planning Act is
6 amended by changing Section 4 as follows:

7 (20 ILCS 3960/4) (from Ch. 111 1/2, par. 1154)

8 (Section scheduled to be repealed on December 31, 2019)

9 Sec. 4. Health Facilities and Services Review Board;
10 membership; appointment; term; compensation; quorum.
11 Notwithstanding any other provision in this Section, members of
12 the State Board holding office on the day before the effective
13 date of this amendatory Act of the 96th General Assembly shall
14 retain their authority.

15 (a) There is created the Health Facilities and Services
16 Review Board, which shall perform the functions described in

1 this Act. The Department shall provide operational support to
2 the Board, including the provision of office space, supplies,
3 and clerical, financial, and accounting services. The Board may
4 contract with experts related to specific health services or
5 facilities and create technical advisory panels to assist in
6 the development of criteria, standards, and procedures used in
7 the evaluation of applications for permit and exemption.

8 (b) Beginning March 1, 2010, the State Board shall consist
9 of 9 voting members. All members shall be residents of Illinois
10 and at least 4 shall reside outside the Chicago Metropolitan
11 Statistical Area. Consideration shall be given to potential
12 appointees who reflect the ethnic and cultural diversity of the
13 State. Neither Board members nor Board staff shall be convicted
14 felons or have pled guilty to a felony.

15 Each member shall have a reasonable knowledge of the
16 practice, procedures and principles of the health care delivery
17 system in Illinois, including at least 5 members who shall be
18 knowledgeable about health care delivery systems, health
19 systems planning, finance, or the management of health care
20 facilities currently regulated under the Act. One member shall
21 be a representative of a non-profit health care consumer
22 advocacy organization. A spouse, parent, sibling, or child of a
23 Board member cannot be an employee, agent, or under contract
24 with services or facilities subject to the Act. Prior to
25 appointment and in the course of service on the Board, members
26 of the Board shall disclose the employment or other financial

1 interest of any other relative of the member, if known, in
2 service or facilities subject to the Act. Members of the Board
3 shall declare any conflict of interest that may exist with
4 respect to the status of those relatives and recuse themselves
5 from voting on any issue for which a conflict of interest is
6 declared. No person shall be appointed or continue to serve as
7 a member of the State Board who is, or whose spouse, parent,
8 sibling, or child is, a member of the Board of Directors of,
9 has a financial interest in, or has a business relationship
10 with a health care facility.

11 Notwithstanding any provision of this Section to the
12 contrary, the term of office of each member of the State Board
13 serving on the day before the effective date of this amendatory
14 Act of the 96th General Assembly is abolished on the date upon
15 which members of the 9-member Board, as established by this
16 amendatory Act of the 96th General Assembly, have been
17 appointed and can begin to take action as a Board. Members of
18 the State Board serving on the day before the effective date of
19 this amendatory Act of the 96th General Assembly may be
20 reappointed to the 9-member Board. Prior to March 1, 2010, the
21 Health Facilities Planning Board shall establish a plan to
22 transition its powers and duties to the Health Facilities and
23 Services Review Board.

24 (c) The State Board shall be appointed by the Governor,
25 with the advice and consent of the Senate. Not more than 5 of
26 the appointments shall be of the same political party at the

1 time of the appointment.

2 The Secretary of Human Services, the Director of Healthcare
3 and Family Services, and the Director of Public Health, or
4 their designated representatives, shall serve as ex-officio,
5 non-voting members of the State Board.

6 (d) Of those 9 members initially appointed by the Governor
7 following the effective date of this amendatory Act of the 96th
8 General Assembly, 3 shall serve for terms expiring July 1,
9 2011, 3 shall serve for terms expiring July 1, 2012, and 3
10 shall serve for terms expiring July 1, 2013. Thereafter, each
11 appointed member shall hold office for a term of 3 years,
12 provided that any member appointed to fill a vacancy occurring
13 prior to the expiration of the term for which his or her
14 predecessor was appointed shall be appointed for the remainder
15 of such term and the term of office of each successor shall
16 commence on July 1 of the year in which his predecessor's term
17 expires. Each member appointed after the effective date of this
18 amendatory Act of the 96th General Assembly shall hold office
19 until his or her successor is appointed and qualified. The
20 Governor may reappoint a member for additional terms, but no
21 member shall serve more than 3 terms, subject to review and
22 re-approval every 3 years.

23 (e) State Board members, while serving on business of the
24 State Board, shall receive actual and necessary travel and
25 subsistence expenses while so serving away from their places of
26 residence. Until March 1, 2010, a member of the State Board who

1 experiences a significant financial hardship due to the loss of
2 income on days of attendance at meetings or while otherwise
3 engaged in the business of the State Board may be paid a
4 hardship allowance, as determined by and subject to the
5 approval of the Governor's Travel Control Board. On and after
6 the effective date of this amendatory Act of the 97th General
7 Assembly, Board members shall receive compensation for duties
8 related to all attended scheduled meetings of the full Board at
9 a rate of \$35,000 per year. However, a member's salary shall be
10 proportionally reduced for each scheduled meeting of the full
11 Board that he or she does not attend. Participation at public
12 hearings, committee meetings, and meetings with staff, as well
13 as time spent on reviewing applications, shall not be
14 compensated separately. Salaries provided under this
15 subsection shall not be paid out of the General Revenue Fund,
16 but shall be paid out of the Illinois Health Facilities
17 Planning Fund from fees collected for the processing of
18 applications by the State Board, provided that there are
19 sufficient funds available after paying all other
20 administrative costs.

21 (f) The Governor shall designate one of the members to
22 serve as the Chairman of the Board, who shall be a person with
23 expertise in health care delivery system planning, finance or
24 management of health care facilities that are regulated under
25 the Act. The Chairman shall annually review Board member
26 performance and shall report the attendance record of each

1 Board member to the General Assembly. The Chairman shall
2 receive compensation in addition to that provided in subsection
3 (e), at a rate of \$30,000 per year, for duties specific to the
4 chairmanship. The Chairman shall also receive compensation
5 under subsection (e) for all attended scheduled meetings of the
6 full Board. Compensation provided under this subsection shall
7 not be paid out of the General Revenue Fund, but shall be paid
8 out of the Illinois Health Facilities Planning Fund from fees
9 collected for the processing of applications by the State
10 Board, provided that there are sufficient funds available after
11 paying all other administrative costs.

12 (g) The State Board, through the Chairman, shall prepare a
13 separate and distinct budget approved by the General Assembly
14 and shall hire and supervise its own professional staff
15 responsible for carrying out the responsibilities of the Board.

16 (h) The State Board shall meet at least every 45 days, or
17 as often as the Chairman of the State Board deems necessary, or
18 upon the request of a majority of the members.

19 (i) Five members of the State Board shall constitute a
20 quorum. The affirmative vote of 5 of the members of the State
21 Board shall be necessary for any action requiring a vote to be
22 taken by the State Board. A vacancy in the membership of the
23 State Board shall not impair the right of a quorum to exercise
24 all the rights and perform all the duties of the State Board as
25 provided by this Act.

26 (j) A State Board member shall disqualify himself or

1 herself from the consideration of any application for a permit
2 or exemption in which the State Board member or the State Board
3 member's spouse, parent, sibling, or child: (i) has an economic
4 interest in the matter; or (ii) is employed by, serves as a
5 consultant for, or is a member of the governing board of the
6 applicant or a party opposing the application.

7 (k) The Chairman, Board members, and Board staff must
8 comply with the Illinois Governmental Ethics Act.

9 (Source: P.A. 96-31, eff. 6-30-09; 97-1115, eff. 8-27-12.)".