



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB3453

Introduced 2/24/2011, by Rep. Frank J. Mautino

#### SYNOPSIS AS INTRODUCED:

20 ILCS 3960/3.5 new  
20 ILCS 3960/14.1

Amends the Illinois Health Facilities Planning Act. Provides that any project funded through any appropriation from the General Assembly for a facility licensed or to be licensed under the Nursing Home Care Act and operated by the Illinois Department of Veterans Affairs is exempt from the requirements set forth in the Act, except for specified notification requirements. In provisions concerning permit violations, provides that any fees, fines, or other debts assessed against the Illinois Department of Veterans Affairs before the effective date of the amendatory Act shall be considered satisfied beginning on the effective date of the amendatory Act. Effective immediately.

LRB097 06020 RLJ 46091 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Health Facilities Planning Act is  
5 amended by changing Section 14.1 and by adding Section 3.5 as  
6 follows:

7 (20 ILCS 3960/3.5 new)

8 Sec. 3.5. Facilities operated by the Illinois Department of  
9 Veterans Affairs.

10 (a) Any project funded through any appropriation from the  
11 General Assembly for a facility licensed or to be licensed  
12 under the Nursing Home Care Act and operated by the Illinois  
13 Department of Veterans Affairs is exempt from the requirements  
14 of this Act, except for the requirements set forth in  
15 subsection (b) of this Section.

16 (b) The Illinois Department of Veterans Affairs must notify  
17 the Board in writing of any appropriation by the General  
18 Assembly for a facility licensed or to be licensed under the  
19 Nursing Home Care Act and operated by the Department. The  
20 Illinois Department of Veterans Affairs must include with the  
21 written notification the following information: (i) the  
22 estimated number of beds in the facility, (ii) the location of  
23 the project or the intended location if not identified by law,

1 and (iii) the date the facility is estimated to be opened. The  
2 Illinois Department of Veterans Affairs must also notify the  
3 Board in writing when the facility has been licensed in  
4 accordance with the Nursing Home Care Act.

5 (20 ILCS 3960/14.1)

6 Sec. 14.1. Denial of permit; other sanctions.

7 (a) The State Board may deny an application for a permit or  
8 may revoke or take other action as permitted by this Act with  
9 regard to a permit as the State Board deems appropriate,  
10 including the imposition of fines as set forth in this Section,  
11 for any one or a combination of the following:

12 (1) The acquisition of major medical equipment without  
13 a permit or in violation of the terms of a permit.

14 (2) The establishment, construction, or modification  
15 of a health care facility without a permit or in violation  
16 of the terms of a permit.

17 (3) The violation of any provision of this Act or any  
18 rule adopted under this Act.

19 (4) The failure, by any person subject to this Act, to  
20 provide information requested by the State Board or Agency  
21 within 30 days after a formal written request for the  
22 information.

23 (5) The failure to pay any fine imposed under this  
24 Section within 30 days of its imposition.

25 (a-5) For facilities licensed under the MR/DD Community

1 Care Act, no permit shall be denied on the basis of prior  
2 operator history, other than for actions specified under item  
3 (2), (4), or (5) of Section 3-117 of the MR/DD Community Care  
4 Act. For facilities licensed under the Nursing Home Care Act,  
5 no permit shall be denied on the basis of prior operator  
6 history, other than for: (i) actions specified under item (2),  
7 (3), (4), (5), or (6) of Section 3-117 of the Nursing Home Care  
8 Act; (ii) actions specified under item (a) (6) of Section 3-119  
9 of the Nursing Home Care Act; or (iii) actions within the  
10 preceding 5 years constituting a substantial and repeated  
11 failure to comply with the Nursing Home Care Act or the rules  
12 and regulations adopted by the Department under that Act. The  
13 State Board shall not deny a permit on account of any action  
14 described in this subsection (a-5) without also considering all  
15 such actions in the light of all relevant information available  
16 to the State Board, including whether the permit is sought to  
17 substantially comply with a mandatory or voluntary plan of  
18 correction associated with any action described in this  
19 subsection (a-5).

20 (b) Persons shall be subject to fines as follows:

21 (1) A permit holder who fails to comply with the  
22 requirements of maintaining a valid permit shall be fined  
23 an amount not to exceed 1% of the approved permit amount  
24 plus an additional 1% of the approved permit amount for  
25 each 30-day period, or fraction thereof, that the violation  
26 continues.

1           (2) A permit holder who alters the scope of an approved  
2 project or whose project costs exceed the allowable permit  
3 amount without first obtaining approval from the State  
4 Board shall be fined an amount not to exceed the sum of (i)  
5 the lesser of \$25,000 or 2% of the approved permit amount  
6 and (ii) in those cases where the approved permit amount is  
7 exceeded by more than \$1,000,000, an additional \$20,000 for  
8 each \$1,000,000, or fraction thereof, in excess of the  
9 approved permit amount.

10           (3) A person who acquires major medical equipment or  
11 who establishes a category of service without first  
12 obtaining a permit or exemption, as the case may be, shall  
13 be fined an amount not to exceed \$10,000 for each such  
14 acquisition or category of service established plus an  
15 additional \$10,000 for each 30-day period, or fraction  
16 thereof, that the violation continues.

17           (4) A person who constructs, modifies, or establishes a  
18 health care facility without first obtaining a permit shall  
19 be fined an amount not to exceed \$25,000 plus an additional  
20 \$25,000 for each 30-day period, or fraction thereof, that  
21 the violation continues.

22           (5) A person who discontinues a health care facility or  
23 a category of service without first obtaining a permit  
24 shall be fined an amount not to exceed \$10,000 plus an  
25 additional \$10,000 for each 30-day period, or fraction  
26 thereof, that the violation continues. For purposes of this

1           subparagraph (5), facilities licensed under the Nursing  
2           Home Care Act or the MR/DD Community Care Act, with the  
3           exceptions of facilities operated by a county or Illinois  
4           Veterans Homes, are exempt from this permit requirement.  
5           However, facilities licensed under the Nursing Home Care  
6           Act or the MR/DD Community Care Act must comply with  
7           Section 3-423 of the Nursing Home Care Act or Section 3-423  
8           of the MR/DD Community Care Act and must provide the Board  
9           with 30-days' written notice of its intent to close.

10           (6) A person subject to this Act who fails to provide  
11           information requested by the State Board or Agency within  
12           30 days of a formal written request shall be fined an  
13           amount not to exceed \$1,000 plus an additional \$1,000 for  
14           each 30-day period, or fraction thereof, that the  
15           information is not received by the State Board or Agency.

16           (c) Before imposing any fine authorized under this Section,  
17           the State Board shall afford the person or permit holder, as  
18           the case may be, an appearance before the State Board and an  
19           opportunity for a hearing before a hearing officer appointed by  
20           the State Board. The hearing shall be conducted in accordance  
21           with Section 10.

22           (d) All fines collected under this Act shall be transmitted  
23           to the State Treasurer, who shall deposit them into the  
24           Illinois Health Facilities Planning Fund.

25           (e) Any fees, fines, or other debts assessed against the  
26           Illinois Department of Veterans Affairs under this Section

1 before the effective date of this amendatory Act of the 97th  
2 General Assembly shall be considered satisfied beginning on the  
3 effective date of this amendatory Act of the 97th General  
4 Assembly.

5 (Source: P.A. 95-543, eff. 8-28-07; 96-339, eff. 7-1-10;  
6 96-1372, eff. 7-29-10.)

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