



Sen. Susan Garrett

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1 AMENDMENT TO SENATE BILL 2124

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2124 by replacing  
3 everything after the enacting clause with the following:

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

6 (20 ILCS 3960/4) (from Ch. 111 1/2, par. 1154)

7 (Section scheduled to be repealed on December 31, 2019)

8 Sec. 4. Health Facilities and Services Review Board;  
9 membership; appointment; term; compensation; quorum.

10 Notwithstanding any other provision in this Section, members of  
11 the State Board holding office on the day before the effective  
12 date of this amendatory Act of the 96th General Assembly shall  
13 retain their authority.

14 (a) There is created the Health Facilities and Services  
15 Review Board, which shall perform the functions described in  
16 this Act. The Department shall provide operational support to

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (j) A State Board member shall disqualify himself or  
26 herself from the consideration of any application for a permit

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

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

8 (Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09.)".