



Rep. André M. Thapedi

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09800HB0066ham001

LRB098 04099 RPM 34218 a

1 AMENDMENT TO HOUSE BILL 66

2 AMENDMENT NO. _____. Amend House Bill 66 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Nursing Home Care Act is amended by
5 changing Section 3-103 and by adding Section 3-216 as follows:

6 (210 ILCS 45/3-103) (from Ch. 111 1/2, par. 4153-103)

7 Sec. 3-103. The procedure for obtaining a valid license
8 shall be as follows:

9 (1) Application to operate a facility shall be made to
10 the Department on forms furnished by the Department and
11 shall contain such information as the Department
12 reasonably requires, which may include affirmative
13 evidence of the ability to comply with such reasonable
14 standards and rules as are lawfully prescribed under this
15 Article.

16 (2) All license applications shall be accompanied with

1 an application fee. The fee for an annual license shall be
2 \$999 ~~\$1,990~~. Facilities that pay a fee or assessment
3 pursuant to Article V-C of the Illinois Public Aid Code
4 shall be exempt from the license fee imposed under this
5 item (2). The fee for a 2-year license shall be double the
6 fee for the annual license. The fees collected shall be
7 deposited with the State Treasurer into the Long Term Care
8 Monitor/Receiver Fund, which has been created as a special
9 fund in the State treasury. This special fund is to be used
10 by the Department for expenses related to the appointment
11 of monitors and receivers as contained in Sections 3-501
12 through 3-517 of this Act, for the enforcement of this Act,
13 for expenses related to surveyor development, and for
14 implementation of the Abuse Prevention Review Team Act. All
15 federal moneys received as a result of expenditures from
16 the Fund shall be deposited into the Fund. The Department
17 may reduce or waive a penalty pursuant to Section 3-308
18 only if that action will not threaten the ability of the
19 Department to meet the expenses required to be met by the
20 Long Term Care Monitor/Receiver Fund. The application
21 shall be under oath and the submission of false or
22 misleading information shall be a Class A misdemeanor. The
23 application shall contain the following information:

- 24 (a) The name and address of the applicant if an
25 individual, and if a firm, partnership, or
26 association, of every member thereof, and in the case

1 of a corporation, the name and address thereof and of
2 its officers and its registered agent, and in the case
3 of a unit of local government, the name and address of
4 its chief executive officer;

5 (b) The name and location of the facility for which
6 a license is sought;

7 (c) The name of the person or persons under whose
8 management or supervision the facility will be
9 conducted;

10 (d) The number and type of residents for which
11 maintenance, personal care, or nursing is to be
12 provided; and

13 (e) Such information relating to the number,
14 experience, and training of the employees of the
15 facility, any management agreements for the operation
16 of the facility, and of the moral character of the
17 applicant and employees as the Department may deem
18 necessary.

19 (3) Each initial application shall be accompanied by a
20 financial statement setting forth the financial condition
21 of the applicant and by a statement from the unit of local
22 government having zoning jurisdiction over the facility's
23 location stating that the location of the facility is not
24 in violation of a zoning ordinance. An initial application
25 for a new facility shall be accompanied by a permit as
26 required by the "Illinois Health Facilities Planning Act".

1 After the application is approved, the applicant shall
2 advise the Department every 6 months of any changes in the
3 information originally provided in the application.

4 (4) Other information necessary to determine the
5 identity and qualifications of an applicant to operate a
6 facility in accordance with this Act shall be included in
7 the application as required by the Department in
8 regulations.

9 (5) An application for a license to operate a facility
10 also shall include affirmative evidence of the ability to
11 comply with the requirement of Section 3-216 of this Act.

12 (Source: P.A. 96-758, eff. 8-25-09; 96-1372, eff. 7-29-10;
13 96-1504, eff. 1-27-11; 96-1530, eff. 2-16-11; 97-489, eff.
14 1-1-12.)

15 (210 ILCS 45/3-216 new)

16 Sec. 3-216. Liability insurance requirement.

17 (a) An owner or operator of a facility shall purchase and
18 maintain not less than \$750,000 in liability insurance for each
19 facility. The liability insurance shall cover each resident per
20 occurrence of negligence.

21 (b) The liability coverage amount described in this Section
22 shall include coverage for indemnity of the insured only. The
23 cost of defending the insured shall not be covered.

24 (c) No person may establish, own, or operate a facility in
25 the State unless and until the person provides proof of

1 liability insurance coverage as described under this Section to
2 the Department.

3 (d) The Department shall suspend or revoke the license or
4 certificate of any facility whose owner or operator violates
5 the provisions of this Section.

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