

HB2199



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2199

by Rep. Tom Cross - Michael W. Tryon

SYNOPSIS AS INTRODUCED:

20 ILCS 2310/2310-642

Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Makes a technical change in a Section concerning the transfer of departmental functions related to diabetes from the Department of Human Services.

LRB098 09307 RPM 39447 b

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 Department of Public Health Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by changing Section 2310-642 as follows:

7 (20 ILCS 2310/2310-642)

8 Sec. 2310-642. Diabetes; transfer of functions from
9 Department of Human Services.

10 (a) Diabetes Research Checkoff Fund; grants. The ~~The~~
11 Diabetes Research Checkoff Fund is a special fund in the State
12 treasury. On and after July 1, 2010, from appropriations to the
13 Department from that Fund, the Department shall make grants to
14 recognized public or private entities in Illinois for the
15 purpose of funding research concerning the disease of diabetes.
16 At least 50% of the grants made from the Fund by the Department
17 shall be made to entities that conduct research for juvenile
18 diabetes. For purposes of this subsection, the term "research"
19 includes, without limitation, expenditures to develop and
20 advance the understanding, techniques, and modalities
21 effective in the detection, prevention, screening, management,
22 and treatment of diabetes and may include clinical trials in
23 Illinois. Moneys received for the purposes of this subsection,

1 including, without limitation, income tax checkoff receipts
2 and gifts, grants, and awards from any public or private person
3 or entity, shall be deposited into the Fund. Any interest
4 earned on moneys in the Fund must be deposited into the Fund.

5 (b) Diabetes information. On and after July 1, 2010, the
6 Department shall include within its public health promotion
7 programs and materials information to be directed toward
8 population groups in Illinois that are considered at high risk
9 of developing diabetes, asthma, and pulmonary disorders, such
10 as Hispanics, people of African descent, the elderly, obese
11 individuals, persons with high blood sugar content, and persons
12 with a family history of diabetes. The information shall inform
13 members of such high risk groups about the causes and
14 prevention of diabetes, asthma, and pulmonary disorders, the
15 types of treatment for these diseases, and how treatment may be
16 obtained. By February 15, 2011, and each February 15
17 thereafter, the Department shall file a report with the General
18 Assembly concerning its activities and accomplishments under
19 this subsection during the previous calendar year.

20 (c) Transfer of functions from Department of Human
21 Services.

22 (1) Transfer. On the effective date of this amendatory
23 Act of the 96th General Assembly, all functions performed
24 by the Department of Human Services in connection with
25 Sections 10-9 and 10-10 of the Department of Human Services
26 Act (now repealed, and replaced by subsections (a) and (b),

1 respectively, of this Section), together with all of the
2 powers, duties, rights, and responsibilities of the
3 Department of Human Services relating to those functions,
4 are transferred from the Department of Human Services to
5 the Department of Public Health.

6 The Department of Human Services and the Department of
7 Public Health shall cooperate to ensure that the transfer
8 of functions is completed as soon as practical.

9 (2) Effect of transfer. Neither the functions
10 transferred under this subsection, nor any powers, duties,
11 rights, and responsibilities relating to those functions,
12 are affected by this amendatory Act of the 96th General
13 Assembly, except that all such functions, powers, duties,
14 rights, and responsibilities shall be performed or
15 exercised by the Department of Public Health on and after
16 the effective date of this amendatory Act of the 96th
17 General Assembly.

18 (3) The staff of the Department of Human Services
19 engaged in the performance of the functions transferred
20 under this subsection may be transferred to the Department
21 of Public Health. The status and rights of those employees
22 under the Personnel Code shall not be affected by the
23 transfers. The rights of the employees, the State of
24 Illinois, and its agencies under the Personnel Code and
25 applicable collective bargaining agreements, or under any
26 pension, retirement, or annuity plan, shall not be affected

1 by this amendatory Act of the 96th General Assembly.

2 (4) Books and records transferred. All books, records,
3 papers, documents, contracts, and pending business
4 pertaining to the functions transferred under this
5 subsection, including but not limited to material in
6 electronic or magnetic format, shall be transferred to the
7 Department of Public Health. The transfer of that
8 information shall not, however, violate any applicable
9 confidentiality constraints.

10 (5) Unexpended moneys transferred. All unexpended
11 appropriation balances and other funds otherwise available
12 to the Department of Human Services for use in connection
13 with the functions transferred under this subsection shall
14 be transferred and made available to the Department of
15 Public Health for use in connection with the functions
16 transferred under this subsection. Unexpended balances so
17 transferred shall be expended only for the purpose for
18 which the appropriations were originally made.

19 (6) Exercise of transferred powers; savings
20 provisions. The powers, duties, rights, and
21 responsibilities relating to the functions transferred
22 under this subsection are vested in and shall be exercised
23 by the Department of Public Health. Each act done in
24 exercise of those powers, duties, rights, and
25 responsibilities shall have the same legal effect as if
26 done by the Department of Human Services or its divisions,

1 officers, or employees.

2 (7) Persons subject to penalties. Every officer,
3 employee, or agent of the Department of Public Health
4 shall, for any offense, be subject to the same penalty or
5 penalties, civil or criminal, as are prescribed by existing
6 laws for the same offense by any officer, employee, or
7 agent whose powers or duties were transferred under this
8 subsection.

9 (8) Reports or notices. Whenever reports or notices are
10 now required to be made or given or papers or documents
11 furnished or served by any person to or upon the Department
12 of Human Services in connection with any of the functions
13 transferred under this subsection, the same shall be made,
14 given, furnished, or served in the same manner to or upon
15 the Department of Public Health.

16 (9) This subsection shall not affect any act done,
17 ratified, or canceled, or any right occurring or
18 established, or any action or proceeding had or commenced
19 in an administrative, civil, or criminal case, regarding
20 the functions of the Department of Human Services before
21 this amendatory Act of the 96th General Assembly takes
22 effect; such actions may be prosecuted, defended, or
23 continued by the Department of Public Health.

24 (10) Rules. Any rules of the Department of Human
25 Services that relate to the functions transferred under
26 this subsection that are in full force on the effective

1 date of this amendatory Act of the 96th General Assembly,
2 and that have been duly adopted by the Department of Human
3 Services, shall become the rules of the Department of
4 Public Health. This subsection shall not affect the
5 legality of any such rules in the Illinois Administrative
6 Code. Any proposed rules filed with the Secretary of State
7 by the Department of Human Services that are pending in the
8 rulemaking process on the effective date of this amendatory
9 Act of the 96th General Assembly, and that pertain to the
10 functions transferred, shall be deemed to have been filed
11 by the Department of Public Health. As soon as practicable
12 after the effective date of this amendatory Act of the 96th
13 General Assembly, the Department of Public Health shall
14 revise and clarify the rules transferred to it under this
15 subsection to reflect the reorganization of powers,
16 duties, rights, and responsibilities affected by this
17 subsection, using the procedures for recodification of
18 rules available under the Illinois Administrative
19 Procedure Act, except that existing title, part, and
20 section numbering for the affected rules may be retained.

21 The Department of Public Health, consistent with the
22 Department of Human Services' authority to do so, may
23 propose and adopt, under the Illinois Administrative
24 Procedure Act, such other rules of the Department of Human
25 Services that will now be administered by the Department of
26 Public Health.

1 To the extent that, prior to the effective date of the
2 transfer of functions under this subsection, the Secretary
3 of Human Services had been empowered to prescribe
4 regulations or had other authority with respect to the
5 transferred functions, such duties shall be exercised from
6 and after the effective date of the transfer by the
7 Director of Public Health.

8 (11) Successor Agency Act. For the purposes of the
9 Successor Agency Act, the Department of Public Health is
10 declared to be the successor agency of the Department of
11 Human Services, but only with respect to the functions that
12 are transferred to the Department of Public Health under
13 this subsection.

14 (12) Statutory references. Whenever a provision of law
15 refers to the Department of Human Services in connection
16 with its performance of a function that is transferred to
17 the Department of Public Health under this subsection, that
18 provision shall be deemed to refer to the Department of
19 Public Health on and after the effective date of this
20 amendatory Act of the 96th General Assembly.

21 (Source: P.A. 96-1406, eff. 7-29-10.)