

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 8.5 as follows:

6 (20 ILCS 3960/8.5)

7 (Section scheduled to be repealed on December 31, 2019)

8 Sec. 8.5. Certificate of exemption for change of ownership
9 of a health care facility; discontinuation of a health care
10 facility or category of service; public notice and public
11 hearing.

12 (a) Upon a finding that an application for a change of
13 ownership is complete, the State Board shall publish a legal
14 notice on one day in a newspaper of general circulation in the
15 area or community to be affected and afford the public an
16 opportunity to request a hearing. If the application is for a
17 facility located in a Metropolitan Statistical Area, an
18 additional legal notice shall be published in a newspaper of
19 limited circulation, if one exists, in the area in which the
20 facility is located. If the newspaper of limited circulation is
21 published on a daily basis, the additional legal notice shall
22 be published on one day. The applicant shall pay the cost
23 incurred by the Board in publishing the change of ownership

1 notice in newspapers as required under this subsection. The
2 legal notice shall also be posted on the Health Facilities and
3 Services Review Board's web site and sent to the State
4 Representative and State Senator of the district in which the
5 health care facility is located. An application for change of
6 ownership of a hospital shall not be deemed complete without a
7 signed certification that for a period of 2 years after the
8 change of ownership transaction is effective, the hospital will
9 not adopt a charity care policy that is more restrictive than
10 the policy in effect during the year prior to the transaction.
11 An application for a change of ownership need not contain
12 signed transaction documents so long as it includes the
13 following key terms of the transaction: names and background of
14 the parties; structure of the transaction; the person who will
15 be the licensed or certified entity after the transaction; the
16 ownership or membership interests in such licensed or certified
17 entity both prior to and after the transaction; fair market
18 value of assets to be transferred; and the purchase price or
19 other form of consideration to be provided for those assets.
20 The issuance of the certificate of exemption shall be
21 contingent upon the applicant submitting a statement to the
22 Board within 90 days after the closing date of the transaction,
23 or such longer period as provided by the Board, certifying that
24 the change of ownership has been completed in accordance with
25 the key terms contained in the application. If such key terms
26 of the transaction change, a new application shall be required.

1 Where a change of ownership is among related persons, and
2 there are no other changes being proposed at the health care
3 facility that would otherwise require a permit or exemption
4 under this Act, the applicant shall submit an application
5 consisting of a standard notice in a form set forth by the
6 Board briefly explaining the reasons for the proposed change of
7 ownership. Once such an application is submitted to the Board
8 and reviewed by the Board staff, the Board Chair shall take
9 action on an application for an exemption for a change of
10 ownership among related persons within 45 days after the
11 application has been deemed complete, provided the application
12 meets the applicable standards under this Section. If the Board
13 Chair has a conflict of interest or for other good cause, the
14 Chair may request review by the Board. Notwithstanding any
15 other provision of this Act, for purposes of this Section, a
16 change of ownership among related persons means a transaction
17 where the parties to the transaction are under common control
18 or ownership before and after the transaction is completed.

19 Nothing in this Act shall be construed as authorizing the
20 Board to impose any conditions, obligations, or limitations,
21 other than those required by this Section, with respect to the
22 issuance of an exemption for a change of ownership, including,
23 but not limited to, the time period before which a subsequent
24 change of ownership of the health care facility could be
25 sought, or the commitment to continue to offer for a specified
26 time period any services currently offered by the health care

1 facility.

2 (a-3) Upon a finding that an application to close a health
3 care facility is complete, the State Board shall publish a
4 legal notice on 3 consecutive days in a newspaper of general
5 circulation in the area or community to be affected and afford
6 the public an opportunity to request a hearing. If the
7 application is for a facility located in a Metropolitan
8 Statistical Area, an additional legal notice shall be published
9 in a newspaper of limited circulation, if one exists, in the
10 area in which the facility is located. If the newspaper of
11 limited circulation is published on a daily basis, the
12 additional legal notice shall be published on 3 consecutive
13 days. The legal notice shall also be posted on the Health
14 Facilities and Services Review Board's web site and sent to the
15 State Representative and State Senator of the district in which
16 the health care facility is located. In addition, the health
17 care facility shall provide notice of closure to the local
18 media that the health care facility would routinely notify
19 about facility events.

20 (a-5) Upon a finding that an application to discontinue a
21 category of service is complete and provides the requested
22 information, as specified by the State Board, an exemption
23 shall be issued. No later than 30 days after the issuance of
24 the exemption, the health care facility must give written
25 notice of the discontinuation of the category of service to the
26 State Senator and State Representative serving the legislative

1 district in which the health care facility is located.

2 (b) If a public hearing is requested, it shall be held at
3 least 15 days but no more than 30 days after the date of
4 publication of the legal notice in the community in which the
5 facility is located. The hearing shall be held in the affected
6 area or community in a place of reasonable size and
7 accessibility and a full and complete written transcript of the
8 proceedings shall be made. The applicant shall provide a
9 summary of the proposal for distribution at the public hearing.

10 (c) For the purposes of this Section "newspaper of limited
11 circulation" means a newspaper intended to serve a particular
12 or defined population of a specific geographic area within a
13 Metropolitan Statistical Area such as a municipality, town,
14 village, township, or community area, but does not include
15 publications of professional and trade associations.

16 (Source: P.A. 98-1086, eff. 8-26-14; 99-154, eff. 7-28-15.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.