



Rep. Gregory Harris

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1 AMENDMENT TO SENATE BILL 3062

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3062 by replacing  
3 everything after the enacting clause with the following:

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 2310-220 as follows:

7 (20 ILCS 2310/2310-220) (was 20 ILCS 2310/55.73)

8 Sec. 2310-220. Findings; rural obstetrical care. The  
9 General Assembly finds that substantial areas of rural Illinois  
10 lack adequate access to obstetrical care. The primary cause of  
11 this problem is the absence of qualified practitioners who are  
12 willing to offer obstetrical services. A significant barrier to  
13 recruiting and retaining those practitioners is the high cost  
14 of professional liability insurance for practitioners offering  
15 obstetrical care.

16 Therefore, the Department, from funds appropriated for

1 that purpose, shall award grants to physicians practicing  
2 obstetrics in rural designated shortage areas, as defined in  
3 Section 3.04 of the Family Practice and Behavioral Health  
4 Promotion Residency Act, for the purpose of reimbursing those  
5 physicians for the costs of obtaining malpractice insurance  
6 relating to obstetrical services. The Department shall  
7 establish reasonable conditions, standards, and duties  
8 relating to the application for and receipt of the grants.

9 (Source: P.A. 91-239, eff. 1-1-00.)

10 Section 10. The Family Practice Residency Act is amended by  
11 changing Sections 1, 2, 3.03, 3.04, 4.01, 4.02, 4.03, 4.10, 5,  
12 6, and 9 and by adding Sections 3.10, 3.11, and 10.5 as  
13 follows:

14 (110 ILCS 935/1) (from Ch. 144, par. 1451)

15 Sec. 1. This Act shall be known and may be cited as the  
16 ~~"Family Practice and Behavioral Health Promotion Residency~~  
17 ~~Act"~~.

18 (Source: P.A. 80-478.)

19 (110 ILCS 935/2) (from Ch. 144, par. 1452)

20 Sec. 2. The purpose of this Act is to establish programs in  
21 the Illinois Department of Public Health to upgrade primary and  
22 behavioral health care services for all citizens of the State,  
23 to increase access, and to reduce health care disparities by

1 providing grants to family practice residency, ~~and~~ preventive  
2 medicine residency, and behavioral health care residency  
3 programs, scholarships to medical students and other eligible  
4 behavioral health care professionals, and a loan repayment  
5 program for physicians, ~~and~~ other eligible primary care  
6 providers, and eligible behavioral health care professionals  
7 who will agree to practice in areas of the State demonstrating  
8 the greatest need for more professional medical and behavioral  
9 health care. The programs shall encourage family practice  
10 physicians, ~~and~~ other eligible primary care providers, and  
11 eligible behavioral health care professionals to locate in  
12 areas where primary care and behavioral health manpower  
13 shortages exist and to increase the total number of family  
14 practice physicians, ~~and~~ other eligible primary care  
15 providers, and eligible behavioral health care professionals  
16 in the State.

17 (Source: P.A. 98-674, eff. 6-30-14.)

18 (110 ILCS 935/3.03) (from Ch. 144, par. 1453.03)

19 Sec. 3.03. "Committee" means the Advisory Committee for  
20 Family Practice Residency Programs and Behavioral Health Care  
21 Programs created by this Act.

22 (Source: P.A. 80-478.)

23 (110 ILCS 935/3.04) (from Ch. 144, par. 1453.04)

24 Sec. 3.04. "Designated Shortage Area" means an area

1 designated by the Director as a physician shortage area, a  
2 medically underserved area, ~~or~~ a critical health manpower  
3 shortage area, a health professional shortage area, or a mental  
4 health professional shortage area, as defined by the United  
5 States Department of Health and Human Services, ~~Education and~~  
6 ~~Welfare,~~ or as otherwise ~~further~~ defined by the Department to  
7 enable it to effectively fulfill the purpose stated in Section  
8 2 of this Act. Such areas may include the following:

9 (a) an urban or rural area which is a rational area for the  
10 delivery of health services;

11 (b) a population group; or

12 (c) a public or nonprofit private medical facility.

13 (Source: P.A. 80-478.)

14 (110 ILCS 935/3.10 new)

15 Sec. 3.10. Eligible behavioral health care professionals.  
16 "Eligible behavioral health care professionals" include the  
17 following licensed professionals who have behavioral health  
18 care training and experience:

19 (1) psychiatrists licensed to practice medicine in all  
20 of its branches under the Medical Practice Act of 1987;

21 (2) clinical psychologists licensed under the Clinical  
22 Psychologist Licensing Act;

23 (3) clinical social workers licensed under the  
24 Clinical Social Work and Social Work Practice Act;

25 (4) psychiatric nurse specialists licensed as

1 registered nurses under the Nurse Practice Act;

2 (5) marriage and family therapists licensed under the  
3 Marriage and Family Therapy Licensing Act; and

4 (6) clinical professional counselors licensed under  
5 the Professional Counselor and Clinical Professional  
6 Counselor Licensing and Practice Act.

7 (110 ILCS 935/3.11 new)

8 Sec. 3.11. Behavioral health care program. "Behavioral  
9 health care program" means a behavioral health care service of  
10 a hospital or hospital affiliate, as defined under the Hospital  
11 Licensing Act; a hospital operated under the University of  
12 Illinois Hospital Act; a federally qualified health center, as  
13 defined in Section 1905(1) (2) (B) of the federal Social Security  
14 Act; or a community mental health center that has satisfied the  
15 Medicare conditions of participation for community mental  
16 health centers under 42 CFR 485.904 through 42 CFR 485.918 or  
17 is certified to provide Rule 132 services in this State under  
18 Part 132 of Title 59 of the Illinois Administrative Code.

19 (110 ILCS 935/4.01) (from Ch. 144, par. 1454.01)

20 Sec. 4.01. To allocate funds to family practice residency  
21 programs and behavioral health care programs according to the  
22 following priorities:

23 (a) to increase the number of family practice physicians  
24 and behavioral health care professionals in Designated

1 Shortage Areas;

2 (b) to increase the percentage of obstetricians  
3 establishing practice within the State upon completion of  
4 residency;

5 (c) to increase the number of accredited family practice  
6 residencies within the State;

7 (d) to increase the percentage of family practice  
8 physicians establishing practice within the State upon  
9 completion of residency; ~~and~~

10 (d-5) to increase access to behavioral health care in  
11 Designated Shortage Areas;

12 (d-10) to increase the number of eligible behavioral health  
13 care professionals providing health care services in this  
14 State; and

15 (e) to provide funds for rental of office space, purchase  
16 of equipment and other uses necessary to enable family  
17 practitioners and eligible behavioral health care  
18 professionals to locate their practices in communities located  
19 in designated shortage areas.

20 (Source: P.A. 86-1384.)

21 (110 ILCS 935/4.02) (from Ch. 144, par. 1454.02)

22 Sec. 4.02. To determine the procedures for the distribution  
23 of the funds to family practice residency programs and  
24 behavioral health care programs, including the establishment  
25 of eligibility criteria in accordance with the following

1 guidelines:

2 (a) preference for programs which are to be established at  
3 locations which exhibit potential for extending family  
4 practice physician and behavioral health care availability to  
5 Designated Shortage Areas;

6 (b) preference for programs which are located away from  
7 communities in which medical schools are located; and

8 (c) preference for programs located in hospitals having  
9 affiliation agreements with medical schools located within the  
10 State.

11 In distributing such funds, the Department may also  
12 consider as secondary criteria whether a family practice  
13 residency program has:

14 (1) Adequate courses of instruction in the behavioral  
15 sciences;

16 (2) Availability and systematic utilization of  
17 opportunities for residents to gain experience through local  
18 health departments or other preventive or occupational medical  
19 facilities;

20 (3) A continuing program of community-oriented research in  
21 such areas as risk factors in community populations,  
22 immunization levels, environmental hazards, or occupational  
23 hazards;

24 (4) Sufficient mechanisms for maintenance of quality  
25 training, such as peer review, systematic progress reviews,  
26 referral system, and maintenance of adequate records; and

1 (5) An appropriate course of instruction in societal,  
2 institutional and economic conditions affecting family  
3 practice.

4 (Source: P.A. 81-321.)

5 (110 ILCS 935/4.03) (from Ch. 144, par. 1454.03)

6 Sec. 4.03. To establish a program of medical student and  
7 behavioral health care professional scholarships and to award  
8 scholarships to eligible medical students and eligible  
9 behavioral health care professionals.

10 (Source: P.A. 80-478.)

11 (110 ILCS 935/4.10) (from Ch. 144, par. 1454.10)

12 Sec. 4.10. To establish programs, and the criteria for such  
13 programs, for the repayment of the educational loans of primary  
14 care physicians, ~~and~~ other eligible primary care providers, and  
15 eligible behavioral health care professionals who agree to  
16 serve in Designated Shortage Areas for a specified period of  
17 time, no less than 2 years. Payments under this program may be  
18 made for the principal, interest and related expenses of  
19 government and commercial loans received by the individual for  
20 tuition expenses, and all other reasonable educational  
21 expenses incurred by the individual. Payments made under this  
22 provision shall be exempt from Illinois State Income Tax. The  
23 Department may use tobacco settlement recovery funding or other  
24 available funding to implement this Section.



1 (Source: P.A. 98-674, eff. 6-30-14.)

2 (110 ILCS 935/5) (from Ch. 144, par. 1455)

3 Sec. 5. The Advisory Committee for Family Practice  
4 Residency Programs and Behavioral Health Care Programs is  
5 created and shall consult with the Director in the  
6 administration of this Act. The Committee shall consist of 13 ~~9~~  
7 members appointed by the Director, 4 of whom shall be family  
8 practice physicians, 4 of whom shall be representatives of  
9 behavioral health care programs, one of whom shall be the dean  
10 or associate or deputy dean of a medical school in this State,  
11 and 4 of whom shall be representatives of the general public.  
12 Terms of membership shall be 4 years. Initial appointments by  
13 the Director shall be staggered, with 4 appointments  
14 terminating January 31, 1979 and 4 terminating January 31,  
15 1981. Of the 4 additional members appointed under this  
16 amendatory Act of the 99th General Assembly, 2 members, as  
17 determined by the Director, shall serve for a term that  
18 commences on the date of their appointment and expires on  
19 January 31, 2019 and the other 2 members shall serve for a term  
20 that commences on the date of their appointment and expires on  
21 January 31, 2021. Each member shall continue to serve after the  
22 expiration of his term until his successor has been appointed.  
23 No person shall serve more than 2 terms. Vacancies shall be  
24 filled by appointment for the unexpired term of any member in  
25 the same manner as the vacant position had been filled. The

1 Committee shall select from its members a chairman from among  
2 the family practice physician members, and such other officers  
3 as may be required. The Committee shall meet as frequently as  
4 the Director deems necessary, but not less than once each year  
5 subject to appropriations. The Committee members shall receive  
6 no compensation but shall be reimbursed for actual expenses  
7 incurred in carrying out their duties.

8 (Source: P.A. 92-635, eff. 7-11-02.)

9 (110 ILCS 935/6) (from Ch. 144, par. 1456)

10 Sec. 6. Family practice residency programs and behavioral  
11 health care programs seeking funds under this Act shall make  
12 application to the Department. The application shall include  
13 evidence of local support for the program, either in the form  
14 of funds, services or other resources. The ratio of State  
15 support to local support shall be determined by the Department  
16 in a manner that is consistent with the purpose of this Act as  
17 stated in Section 2 of this Act. In establishing such ratio of  
18 State to local support the Department may vary the amount of  
19 the required local support depending upon the criticality of  
20 the need for more professional health care services, the  
21 geographic location and the economic base of the Designated  
22 Shortage Area.

23 (Source: P.A. 80-478.)

24 (110 ILCS 935/9) (from Ch. 144, par. 1459)

1           Sec. 9. The Department shall annually report to the General  
2 Assembly and the Governor the results and progress of the  
3 programs established by this Act on or before March 15th.

4           The annual report to the General Assembly and the Governor  
5 shall include the impact of programs established under this Act  
6 on the ability of designated shortage areas to attract and  
7 retain physicians and other health care personnel and the  
8 ability of designated behavioral health care programs to  
9 attract and retain eligible behavioral health care  
10 professionals in Designated Shortage Areas. The report shall  
11 include recommendations to improve that ability.

12           The requirement for reporting to the General Assembly shall  
13 be satisfied by filing copies of the report with the Speaker,  
14 the Minority Leader and the Clerk of the House of  
15 Representatives and the President, the Minority Leader and the  
16 Secretary of the Senate and the Legislative Research Unit, as  
17 required by Section 3.1 of the General Assembly Organization  
18 Act, and filing such additional copies with the State  
19 Government Report Distribution Center for the General Assembly  
20 as is required under paragraph (t) of Section 7 of the State  
21 Library Act.

22           (Source: P.A. 86-965; 87-430; 87-633; 87-895.)

23           (110 ILCS 935/10.5 new)

24           Sec. 10.5. Funding. Funding for behavioral health care  
25 programs shall be a supplement to family practice residency

1 programs and State loan repayment programs as in effect on July  
2 1, 2014 and subject to appropriation.

3 Section 15. The Nurses in Advancement Law is amended by  
4 changing Section 1-20 as follows:

5 (110 ILCS 970/1-20) (from Ch. 144, par. 2781-20)

6 Sec. 1-20. Scholarship requirements. It shall be lawful for  
7 any organization to condition any loan or grant upon the  
8 recipient's executing an agreement to commit not more than 5  
9 years of his or her professional career to the goals  
10 specifically outlined within the agreement including a  
11 requirement that recipient practice nursing or medicine in  
12 specifically designated practice and geographic areas.

13 Any agreement executed by an organization and any recipient  
14 of loan or grant assistance shall contain a provision for  
15 liquidated damages to be paid for any breach of any provision  
16 of the agreement, or any commitment contained therein, together  
17 with attorney's fees and costs for the enforcement thereof. Any  
18 such covenant shall be valid and enforceable in the courts of  
19 this State as liquidated damages and shall not be considered a  
20 penalty, provided that the provision for liquidated damages  
21 does not exceed \$2,500 for each year remaining for the  
22 performance of the agreement.

23 This Section shall not be construed as pertaining to or  
24 limiting any liquidated damages resulting from scholarships

1 awarded under the Family Practice and Behavioral Health  
2 Promotion Residency Act.

3 (Source: P.A. 92-651, eff. 7-11-02.)

4 Section 20. The Private Medical Scholarship Agreement Act  
5 is amended by changing Section 3 as follows:

6 (110 ILCS 980/3) (from Ch. 144, par. 2703)

7 Sec. 3. Any such agreement executed by such an organization  
8 and any recipient of loan, grant assistance or recommendation  
9 may contain a provision for liquidated damages to be paid for  
10 any breach of any provision of the agreement, or any commitment  
11 contained therein, together with attorney's fees and costs for  
12 the enforcement thereof. Any such covenant shall be valid and  
13 enforceable in the courts of this State as liquidated damages  
14 and shall not be considered a penalty, provided that such  
15 provision for liquidated damages does not exceed \$2,500 for  
16 each year remaining for the performance of such agreement.

17 This Section shall not be construed as pertaining to or  
18 limiting any liquidated damages resulting from scholarships  
19 awarded under the "Family Practice and Behavioral Health  
20 Promotion Residency Act", ~~as amended.~~

21 (Source: P.A. 86-999.)

22 Section 25. The Illinois Public Aid Code is amended by  
23 changing Section 12-4.24a as follows:

1 (305 ILCS 5/12-4.24a) (from Ch. 23, par. 12-4.24a)

2 Sec. 12-4.24a. Report and recommendations concerning  
3 designated shortage area. The Illinois Department shall  
4 analyze payments made to providers of medical services under  
5 Article V of this Code to determine whether any special  
6 compensatory standard should be applied to payments to such  
7 providers in designated shortage areas as defined in Section  
8 3.04 of the Family Practice and Behavioral Health Promotion  
9 Residency Act, ~~as now or hereafter amended~~. The Illinois  
10 Department shall, not later than June 30, 1990, report to the  
11 Governor and the General Assembly concerning the results of its  
12 analysis, and may provide by rule for adjustments in its  
13 payment rates to medical service providers in such areas.

14 (Source: P.A. 92-111, eff. 1-1-02.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law."