



Rep. Litesa E. Wallace

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09900HB4964ham001

LRB099 19300 RJF 46693 a

1 AMENDMENT TO HOUSE BILL 4964

2 AMENDMENT NO. _____. Amend House Bill 4964 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 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7 (Section scheduled to be repealed on December 31, 2019)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

1 facility located in a Metropolitan Statistical Area, an
2 additional legal notice shall be published in a newspaper of
3 limited circulation, if one exists, in the area in which the
4 facility is located. If the newspaper of limited circulation is
5 published on a daily basis, the additional legal notice shall
6 be published on one day. The applicant shall pay the cost
7 incurred by the Board in publishing the change of ownership
8 notice in newspapers as required under this subsection. The
9 legal notice shall also be posted on the Health Facilities and
10 Services Review Board's web site and sent to the State
11 Representative and State Senator of the district in which the
12 health care facility is located. An application for change of
13 ownership of a hospital shall not be deemed complete without a
14 signed certification that for a period of 2 years after the
15 change of ownership transaction is effective, the hospital will
16 not adopt a charity care policy that is more restrictive than
17 the policy in effect during the year prior to the transaction.
18 An application for a change of ownership need not contain
19 signed transaction documents so long as it includes the
20 following key terms of the transaction: names and background of
21 the parties; structure of the transaction; the person who will
22 be the licensed or certified entity after the transaction; the
23 ownership or membership interests in such licensed or certified
24 entity both prior to and after the transaction; fair market
25 value of assets to be transferred; and the purchase price or
26 other form of consideration to be provided for those assets.

1 The issuance of the certificate of exemption shall be
2 contingent upon the applicant submitting a statement to the
3 Board within 90 days after the closing date of the transaction,
4 or such longer period as provided by the Board, certifying that
5 the change of ownership has been completed in accordance with
6 the key terms contained in the application. If such key terms
7 of the transaction change, a new application shall be required.

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

26 Nothing in this Act shall be construed as authorizing the

1 Board to impose any conditions, obligations, or limitations,
2 other than those required by this Section, with respect to the
3 issuance of an exemption for a change of ownership, including,
4 but not limited to, the time period before which a subsequent
5 change of ownership of the health care facility could be
6 sought, or the commitment to continue to offer for a specified
7 time period any services currently offered by the health care
8 facility.

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

1 (a-5) Upon a finding that an application to discontinue a
2 category of service is complete and provides the requested
3 information, as specified by the State Board, an exemption
4 shall be issued. No later than 30 days after the issuance of
5 the exemption, the health care facility must give written
6 notice of the discontinuation of the category of service to the
7 State Senator and State Representative serving the legislative
8 district in which the health care facility is located.

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

17 (c) For the purposes of this Section "newspaper of limited
18 circulation" means a newspaper intended to serve a particular
19 or defined population of a specific geographic area within a
20 Metropolitan Statistical Area such as a municipality, town,
21 village, township, or community area, but does not include
22 publications of professional and trade associations.

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

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."