



Rep. Amy Briel

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LRB104 16887 BAB 36762 a

1 AMENDMENT TO HOUSE BILL 4461

2 AMENDMENT NO. _____. Amend House Bill 4461 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Fair Patient Billing Act is amended by
5 changing Section 30 as follows:

6 (210 ILCS 88/30)

7 Sec. 30. Pursuing collection action.

8 (a) Hospitals and their agents may pursue collection
9 action against an uninsured patient only if the following
10 conditions are met:

11 (1) The hospital has complied with the screening
12 requirements set forth in Section 16 and applied and
13 exhausted any discount available to a patient under
14 Section 10 of the Hospital Uninsured Patient Discount Act.

15 (2) The hospital has given the uninsured patient the
16 opportunity to:

1 (A) assess the accuracy of the bill;

2 (B) apply for financial assistance under the
3 hospital's financial assistance policy; and

4 (C) avail themselves of a reasonable payment plan.

5 (3) If the uninsured patient has indicated an
6 inability to pay the full amount of the debt in one
7 payment, the hospital has offered the patient a reasonable
8 payment plan. The hospital may require the uninsured
9 patient to provide reasonable verification of his or her
10 inability to pay the full amount of the debt in one
11 payment.

12 (4) To the extent the hospital provides financial
13 assistance and the circumstances of the uninsured patient
14 suggest the potential for eligibility for charity care,
15 the uninsured patient has been given at least 90 days
16 following the date of discharge or receipt of outpatient
17 care to submit an application for financial assistance and
18 shall be provided assistance with the application in
19 compliance with subsection (a) of Section 16 and Section
20 27.

21 (5) If the uninsured patient has agreed to a
22 reasonable payment plan with the hospital, and the patient
23 has failed to make payments in accordance with that
24 reasonable payment plan.

25 (6) If the uninsured patient informs the hospital that
26 he or she has applied for health care coverage under a

1 public health insurance program (and there is a reasonable
2 basis to believe that the patient will qualify for such
3 program) but the patient's application is denied.

4 (a-5) A hospital shall proactively offer information on
5 charity care options available to uninsured patients,
6 regardless of their immigration status or residency.

7 (b) A hospital may not refer a bill, or portion thereof, to
8 a collection agency or attorney for collection action against
9 the insured patient, without first ensuring compliance with
10 Section 16 and offering the patient the opportunity to request
11 a reasonable payment plan for the amount personally owed by
12 the patient. Such an opportunity shall be made available for
13 the 90 days following the date of the initial bill. If the
14 insured patient requests a reasonable payment plan, but fails
15 to agree to a plan within 90 days of the request, the hospital
16 may proceed with collection action against the patient.

17 (c) No collection agency, law firm, or individual may
18 initiate legal action for non-payment of a hospital bill
19 against a patient without the written approval of an
20 authorized hospital employee who reasonably believes that the
21 conditions for pursuing collection action under this Section
22 have been met.

23 (c-5) For any legal action initiated against a patient for
24 unpaid medical debt, a hospital may not file for or be granted
25 a lien upon that patient's primary residence.

26 (d) Nothing in this Section prohibits a hospital from

1 engaging an outside third party agency, firm, or individual to
2 manage the process of implementing the hospital's financial
3 assistance and reasonable payment plan programs and policies
4 so long as such agency, firm, or individual is contractually
5 bound to comply with the terms of this Act.

6 (Source: P.A. 102-504, eff. 12-1-21; 103-323, eff. 1-1-24.)

7 Section 10. The Code of Civil Procedure is amended by
8 changing Section 12-101 as follows:

9 (735 ILCS 5/12-101) (from Ch. 110, par. 12-101)

10 Sec. 12-101. Lien of judgment. With respect to the
11 creation of liens on real estate by judgments, all real estate
12 in the State of Illinois is divided into 2 classes.

13 The first class consists of all real property, the title
14 to which is registered under "An Act concerning land titles",
15 approved May 1, 1897, as amended.

16 The second class consists of all real property not
17 registered under "An Act concerning land titles".

18 As to real estate in class one, a judgment is a lien on the
19 real estate of the person against whom it is entered for the
20 same period as in class two, when Section 85 of "An Act
21 concerning land titles", has been complied with.

22 As to real estate included within class two, a judgment is
23 a lien on the real estate of the person against whom it is
24 entered in any county in this State, including the county in

1 which it is entered, only from the time a transcript,
2 certified copy or memorandum of the judgment is filed in the
3 office of the recorder in the county in which the real estate
4 is located. The lien may be foreclosed by an action brought in
5 the name of the judgment creditor or its assignee of record
6 under Article XV in the same manner as a mortgage of real
7 property, except that the redemption period shall be 6 months
8 from the date of sale and the real estate homestead exemption
9 under Section 12-901 shall apply. A judgment resulting from
10 the entry of an order requiring child support payments shall
11 be a lien upon the real estate of the person obligated to make
12 the child support payments, but shall not be enforceable in
13 any county of this State until a transcript, certified copy,
14 or memorandum of the lien is filed in the office of the
15 recorder in the county in which the real estate is located. Any
16 lien hereunder arising out of an order for support shall be a
17 lien only as to and from the time that an installment or
18 payment is due under the terms of the order. Further, the order
19 for support shall not be a lien on real estate to the extent of
20 payments made as evidenced by the records of the Clerk of the
21 Circuit Court or State agency receiving payments pursuant to
22 the order. In the event payments made pursuant to that order
23 are not paid to the Clerk of the Circuit Court or a State
24 agency, then each lien imposed by this Section may be released
25 in the following manner:

26 (a) A Notice of Filing and an affidavit stating that

1 all installments of child support required to be paid
2 pursuant to the order under which the lien or liens were
3 imposed have been paid shall be filed with the office of
4 recorder in each county in which each such lien appears of
5 record, together with proof of service of such notice and
6 affidavit upon the recipient of such payments.

7 (b) Service of such affidavit shall be by any means
8 authorized under Sections 2-203 and 2-208 of the Code of
9 Civil Procedure or under Supreme Court Rules 11 or 105(b).

10 (c) The Notice of Filing shall set forth the name and
11 address of the judgment debtor and the judgment creditor,
12 the court file number of the order giving rise to the
13 judgment and, in capital letters, the following statement:

14 YOU ARE HEREBY NOTIFIED THAT ON (insert date) THE
15 ATTACHED AFFIDAVIT WAS FILED IN THE OFFICE OF THE RECORDER
16 OF COUNTY, ILLINOIS, WHOSE ADDRESS IS,
17 ILLINOIS. IF, WITHIN 28 DAYS OF THE DATE OF THIS NOTICE,
18 YOU FAIL TO FILE AN AFFIDAVIT OBJECTING TO THE RELEASE OF
19 THE STATED JUDGMENT LIEN OR LIENS, IN THE ABOVE OFFICE,
20 SUCH JUDGMENT LIEN WILL BE DEEMED TO BE RELEASED AND NO
21 LONGER SUBJECT TO FORECLOSURE. THIS RELEASE OF LIEN WILL
22 NOT ACT AS A SATISFACTION OF SUCH JUDGMENT.

23 (d) If no affidavit objecting to the release of the
24 lien or liens is filed within 28 days of the Notice
25 described in paragraph (c) of this Section such lien or
26 liens shall be deemed to be released and no longer subject

1 to foreclosure.

2 A judgment is not a lien on real estate for longer than 7
3 years from the time it is entered or revived, unless the
4 judgment is revived within 7 years after its entry or last
5 revival and a new memorandum of judgment is recorded prior to
6 the judgment and its recorded memorandum of judgment becoming
7 dormant.

8 When a judgment is revived it is a lien on the real estate
9 of the person against whom it was entered in any county in this
10 State from the time a transcript, certified copy or memorandum
11 of the order of revival is filed in the office of the recorder
12 in the county in which the real estate is located.

13 A foreign judgment registered or filed pursuant to
14 Sections 12-630 through 12-672 of this Act is a lien upon the
15 real estate of the person against whom it was entered only from
16 the time (1) a copy of the affidavit required by Section 12-653
17 with a copy of the foreign judgment attached showing the
18 filing in a court of this State or (2) a transcript, certified
19 copy or memorandum of a final judgment of the court of this
20 State entered on an action to enforce a foreign judgment is
21 filed in the office of the recorder in the county in which the
22 real estate is located. However, no such judgment shall be a
23 lien on any real estate registered under "An Act concerning
24 land titles", as amended, until Section 85 of that Act has been
25 complied with.

26 The release of any transcript, certified copy or

1 memorandum of judgment or order of revival which has been
2 recorded shall be filed by the person receiving the release in
3 the office of the recorder in which such judgment or order has
4 been recorded.

5 Such release shall contain in legible letters a statement
6 as follows:

7 FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL BE
8 FILED WITH THE RECORDER OR THE REGISTRAR OF TITLES IN
9 WHOSE OFFICE THE LIEN WAS FILED.

10 The term "memorandum" as used in this Section means a
11 memorandum or copy of the judgment signed by a judge or a copy
12 attested by the clerk of the court entering it and showing the
13 court in which entered, date, amount, number of the case in
14 which it was entered, name of the party in whose favor and name
15 and last known address of the party against whom entered. If
16 the address of the party against whom the judgment was entered
17 is not known, the memorandum or copy of judgment shall so
18 state.

19 The term "memorandum" as used in this Section also means a
20 memorandum or copy of a child support order signed by a judge
21 or a copy attested by the clerk of the court entering it or a
22 copy attested by the administrative body entering it.

23 This Section shall not be construed as showing an
24 intention of the legislature to create a new classification of
25 real estate, but shall be construed as showing an intention of
26 the legislature to continue a classification already existing.

1 No judgment relating to unpaid medical debt may create a
2 lien on real property owned by the patient against whom the
3 judgment is entered that is the primary residence of the
4 patient.

5 (Source: P.A. 97-350, eff. 1-1-12; 98-557, eff. 1-1-14.)

6 Section 99. Effective date. This Act takes effect on
7 January 1, 2027."