

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7 (Section scheduled to be repealed on December 31, 2029)

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

11 (a) Upon a finding that an application for a change of  
12 ownership is complete, the State Board shall publish a legal  
13 notice on 3 consecutive days in a newspaper of general  
14 circulation in the area or community to be affected and afford  
15 the public an opportunity to request a hearing. If the  
16 application is for a facility located in a Metropolitan  
17 Statistical Area, an additional legal notice shall be  
18 published in a newspaper of limited circulation, if one  
19 exists, in the area in which the facility is located. If the  
20 newspaper of limited circulation is published on a daily  
21 basis, the additional legal notice shall be published on 3  
22 consecutive days. The applicant shall pay the cost incurred by  
23 the Board in publishing the change of ownership notice in

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

1 transaction change, a new application shall be required.

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

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

1 time period any services currently offered by the health care  
2 facility.

3 ~~The changes made by this amendatory Act of the 103rd~~  
4 ~~General Assembly are inoperative on and after January 1, 2027.~~

5 (a-3) (Blank).

6 (a-5) Upon a finding that an application to discontinue a  
7 category of service is complete and provides the requested  
8 information, as specified by the State Board, an exemption  
9 shall be issued. No later than 30 days after the issuance of  
10 the exemption, the health care facility must give written  
11 notice of the discontinuation of the category of service to  
12 the State Senator and State Representative serving the  
13 legislative district in which the health care facility is  
14 located. No later than 90 days after a discontinuation of a  
15 category of service, the applicant must submit a statement to  
16 the State Board certifying that the discontinuation is  
17 complete.

18 (b) If a public hearing is requested, it shall be held at  
19 least 15 days but no more than 30 days after the date of  
20 publication of the legal notice in the community in which the  
21 facility is located. The hearing shall be held in the affected  
22 area or community in a place of reasonable size and  
23 accessibility and a full and complete written transcript of  
24 the proceedings shall be made. All interested persons  
25 attending the hearing shall be given a reasonable opportunity  
26 to present their positions in writing or orally. The applicant

1 shall provide a summary or describe the proposed change of  
2 ownership at the public hearing.

3 (c) For the purposes of this Section "newspaper of limited  
4 circulation" means a newspaper intended to serve a particular  
5 or defined population of a specific geographic area within a  
6 Metropolitan Statistical Area such as a municipality, town,  
7 village, township, or community area, but does not include  
8 publications of professional and trade associations.

9 (d) The changes made to this Section by this amendatory  
10 Act of the 101st General Assembly shall apply to all  
11 applications submitted after the effective date of this  
12 amendatory Act of the 101st General Assembly.

13 (Source: P.A. 103-526, eff. 1-1-24.)

14 Section 7. The State Finance Act is amended by changing  
15 Section 5.1007 as follows:

16 (30 ILCS 105/5.1007)

17 (Section scheduled to be repealed on January 1, 2027)

18 Sec. 5.1007. The Antitrust Enforcement Fund. ~~This Section~~  
19 ~~is repealed on January 1, 2027.~~

20 (Source: P.A. 103-526, eff. 1-1-24; 103-605, eff. 7-1-24.)

21 Section 10. The Illinois Antitrust Act is amended by  
22 changing Sections 7.2a and 13 as follows:

1 (740 ILCS 10/7.2a)

2 (Section scheduled to be repealed on January 1, 2027)

3 Sec. 7.2a. Notification to the Attorney General.

4 (a) As used in this Section:

5 "Acquisition" means an agreement, arrangement, or activity  
6 the consummation of which results in a person acquiring  
7 directly or indirectly the control of another person.  
8 "Acquisition" includes the acquisition of voting securities  
9 and noncorporate interests, such as assets, capital stock,  
10 membership interests, or equity interests.

11 "Contracting affiliation" means the formation of a  
12 relationship between 2 or more entities that permits the  
13 entities to negotiate jointly with health carriers or  
14 third-party administrators over rates for professional medical  
15 services, or for one entity to negotiate on behalf of the other  
16 entity with health carriers or third-party administrators over  
17 rates for professional medical services. "Contracting  
18 affiliation" does not include arrangements among entities  
19 under common ownership.

20 "Covered transaction" means any merger, acquisition, or  
21 contracting affiliation involving ~~between~~ 2 or more health  
22 care facilities, or ~~or~~ provider organizations not previously  
23 under common ownership or contracting affiliation. A  
24 transaction is a "covered transaction" subject to the notice  
25 requirements even if the parties to the transaction are not  
26 themselves a health care facility or provider organization but

1 own or control, directly or indirectly, one or more of the 2 or  
2 more health care facilities or provider organizations that  
3 will be under common ownership or contracting affiliation if  
4 the transaction is consummated, including if parties to the  
5 covered transaction are private equity companies.

6 "Health care facility" means the following facilities,  
7 organizations, and related persons:

8 (1) An ambulatory surgical treatment center required  
9 to be licensed under the Ambulatory Surgical Treatment  
10 Center Act.

11 (2) An institution, place, building, or agency  
12 required to be licensed under the Hospital Licensing Act.

13 (3) A hospital, ambulatory surgical treatment center,  
14 or kidney disease treatment center maintained by the State  
15 or any department or agency thereof.

16 (4) A kidney disease treatment center, including a  
17 free-standing hemodialysis unit required to meet the  
18 requirements of 42 CFR 494 in order to be certified for  
19 participation in Medicare and Medicaid under Titles XVIII  
20 and XIX of the federal Social Security Act of 1935.

21 (5) An institution, place, building, or room used for  
22 the performance of outpatient surgical procedures that is  
23 leased, owned, or operated by or on behalf of an  
24 out-of-state facility.

25 (6) An institution, place, building, or room used for  
26 provision of a health care category of service, as defined

1 under the Illinois Health Facilities Planning Act,  
2 including, but not limited to, cardiac catheterization and  
3 open heart surgery.

4 With the exception of those health care facilities  
5 specifically included in this Section, nothing in this Section  
6 shall be intended to include facilities operated as a part of  
7 the practice of a physician or other licensed health care  
8 professional, whether practicing in his or her individual  
9 capacity or within the legal structure of any partnership,  
10 medical or professional corporation, or unincorporated medical  
11 or professional group. Further, this Section shall not apply  
12 to physicians or other licensed health care professional's  
13 practices where such practices are carried out in a portion of  
14 a health care facility under contract with such health care  
15 facility by a physician or by other licensed health care  
16 professionals, whether practicing in his or her individual  
17 capacity or within the legal structure of any partnership,  
18 medical or professional corporation, or unincorporated medical  
19 or professional groups, unless the entity constructs,  
20 modifies, or establishes a health care facility as  
21 specifically defined in this Section.

22 "Health care provider" means an individual or entity duly  
23 licensed or legally authorized to provide health care  
24 services.

25 "Health care services" means health care services or  
26 products rendered or sold by a health care provider within the

1 scope of the health care provider's license or legal  
2 authorization. The term includes, but is not limited to,  
3 hospital, medical, surgical, dental, vision, and  
4 pharmaceutical services or products.

5 "Health care services revenue" means the total revenue  
6 received for health care services in the previous 12 months.

7 "Health carriers" has the meaning given to that term in  
8 Section 10 of the Health Carrier External Review Act.

9 "Illinois health care entity" means a health care facility  
10 or provider organization that has an office in or is doing  
11 business in this State.

12 "Merger" means the consolidation of 2 or more  
13 organizations, including 2 or more organizations joining  
14 through a common parent organization or 2 or more  
15 organizations forming a new organization, but does not include  
16 a corporate reorganization.

17 "Out-of-state health care entity" means a health care  
18 facility or provider organization that is not headquartered in  
19 this State and does not do business in this State.

20 "Private equity company" means any company or partnership  
21 that collects capital investments from individuals or entities  
22 and purchases, as a parent company, at any level of corporate  
23 ownership, or through another entity or entities so that the  
24 company completely or partially owns or controls a direct or  
25 indirect ownership share of an Illinois health care entity or  
26 an out-of-state health care entity that generates \$10,000,000

1 or more in annual revenue from patients residing in this  
2 State.

3 "Provider organization" means a corporation, partnership,  
4 business trust, association, or organized group of persons,  
5 whether incorporated or not, which is in the business of  
6 health care delivery or management and that represents 20 or  
7 more health care providers in contracting with health carriers  
8 or third-party administrators for the payment of health care  
9 services. "Provider organization" includes physician  
10 organizations, physician-hospital organizations, independent  
11 practice associations, provider networks, and accountable care  
12 organizations.

13 "Third-party administrator" means an entity that  
14 administers payments for health care services on behalf of a  
15 client in exchange for an administrative fee.

16 (b) Notice of Health care facilities or provider  
17 organizations that are party to a covered transaction shall be  
18 provided ~~provide notice of such transaction~~ to the Attorney  
19 General no later than 30 days prior to the transaction closing  
20 or effective date of the transaction.

21 Notice of a covered transaction ~~Covered transactions~~  
22 between an Illinois health care entity and an out-of-state  
23 health care entity shall be provided ~~must provide notice~~ under  
24 this subsection where the out-of-state entity generates  
25 \$10,000,000 or more in annual revenue from patients residing  
26 in this State.

1 (c) The written notice provided by the parties under  
2 subsection (b) shall be provided as follows:

3 (1) For ~~any health care facility or provider~~  
4 ~~organization that is a party to~~ a covered transaction that  
5 is the subject of ~~and files~~ a premerger notification  
6 filing with the Federal Trade Commission or the United  
7 States Department of Justice, in compliance with the  
8 Hart-Scott-Rodino Antitrust Improvements Act of 1976, 15  
9 U.S.C. 18a, the notice requirement is satisfied by  
10 providing a copy of such filing with all attachments to  
11 the Attorney General at the same time as it is provided to  
12 the federal government.

13 (2) For any health care facility involved in ~~that is a~~  
14 ~~party to~~ a covered transaction that is not described in  
15 paragraph (1), the notice requirement is satisfied when  
16 the healthcare facility files an application for a change  
17 of ownership with the Health Facilities and Services  
18 Review Board, in compliance with the Illinois Health  
19 Facilities Planning Act. The Health Facilities and  
20 Services Review Board shall provide a copy of such filing  
21 to the Attorney General at the same time as it is provided  
22 to the applicable State legislators under subsection (a)  
23 of Section 8.5 of the Illinois Health Facilities Planning  
24 Act.

25 (3) For any health care facility, ~~or~~ provider  
26 organization, or any entity that owns or controls,

1        directly or indirectly, a health care facility or provider  
2        organization that is involved in ~~organization that is a~~  
3        ~~party to~~ a covered transaction that is not described in  
4        paragraph (1) or (2), written notice provided by the  
5        parties must include:

6                (A) the names of all health care facilities,  
7                provider organizations involved in the covered  
8                transaction and ~~parties and~~ their current business  
9                addresses ~~address;~~

10                (B) identification of all locations where health  
11                care services are currently provided by each entity  
12                disclosed in subparagraph (A) ~~party;~~

13                (C) a brief description of the nature and purpose  
14                of the proposed transaction; and

15                (D) the anticipated effective date of the proposed  
16                transaction.

17        Nothing in this subsection prohibits any entity ~~the~~  
18        ~~parties to a covered transaction~~ from voluntarily providing  
19        additional information to the Attorney General.

20                (d) The Attorney General may make any requests for  
21        additional information from the filing parties that is  
22        relevant to its investigation of the covered transaction  
23        within 30 days of the date notice is received under  
24        subsections (b) and (c). If the Attorney General requests  
25        additional information, the covered transaction may not  
26        proceed until 30 days after the filing parties have

1 substantially complied with the request. Any subsequent  
2 request for additional information by the Attorney General  
3 shall not further delay the covered transaction from  
4 proceeding. Nothing in this Section precludes the Attorney  
5 General from conducting an investigation or enforcing State or  
6 federal antitrust laws at a later date.

7 (e) Any party to a covered transaction that ~~health care~~  
8 ~~facility or provider organization that~~ fails to comply with  
9 any provision of this Section is subject to a civil penalty of  
10 not more than \$500 per day for each day during which the party  
11 ~~health care facility or provider organization~~ is in violation  
12 of this Section.

13 Whenever the Attorney General has reason to believe that a  
14 party to a covered transaction ~~health care facility or~~  
15 ~~provider organization~~ has engaged in or is engaging in a  
16 covered transaction without complying with the provisions of  
17 this Section, the Attorney General may apply for and obtain,  
18 in an action in the Circuit Court of Sangamon or Cook County, a  
19 temporary restraining order or injunction, or both,  
20 prohibiting the party ~~health care facility or provider~~  
21 ~~organization~~ from continuing its noncompliance or doing any  
22 act in furtherance thereof. The court may make such further  
23 orders or judgments, at law or in equity, as may be necessary  
24 to remedy such noncompliance.

25 Before bringing such an action or seeking to recover a  
26 civil penalty, the Attorney General shall permit the party to

1 ~~the covered transaction health care facility or provider~~  
2 ~~organization~~ to come into compliance with this Section within  
3 10 days of being notified of its alleged noncompliance. The  
4 right to cure noncompliance does not exist on or after the  
5 covered transaction's proposed or actual closing date of the  
6 covered transaction, whichever is sooner.

7 (f) (Blank). ~~This Section is repealed on January 1, 2027.~~

8 (Source: P.A. 103-526, eff. 1-1-24.)

9 (740 ILCS 10/13)

10 (Section scheduled to be repealed on January 1, 2027)

11 Sec. 13. Antitrust Enforcement Fund. Any penalties  
12 collected from an entity for violations of this Act shall be  
13 deposited into the Antitrust Enforcement Fund, a special fund  
14 created in the State treasury that is dedicated to enforcing  
15 this Act.

16 ~~This Section is repealed on January 1, 2027.~~

17 (Source: P.A. 103-526, eff. 1-1-24.)