



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3144

Introduced 2/9/2010, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5B-1
305 ILCS 5/5E-5

from Ch. 23, par. 5B-1

Amends the Illinois Public Aid Code. Eliminates facilities licensed under the MR/DD Community Care Act from the definition of "long-term care facility" in the Long-Term Care Provider Funding Article of the Code. Eliminates facilities licensed under the MR/DD Community Care Act from the definition of "nursing home" in the Nursing Home License Fee Article of the Code. Effective immediately.

LRB096 18173 KTG 33548 b

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Sections 5B-1 and 5E-5 as follows:

6 (305 ILCS 5/5B-1) (from Ch. 23, par. 5B-1)

7 (Text of Section before amendment by P.A. 96-339)

8 Sec. 5B-1. Definitions. As used in this Article, unless the
9 context requires otherwise:

10 "Fund" means the Long-Term Care Provider Fund.

11 "Long-term care facility" means (i) a skilled nursing or
12 intermediate long term care facility, whether public or private
13 and whether organized for profit or not-for-profit, that is
14 subject to licensure by the Illinois Department of Public
15 Health under the Nursing Home Care Act, including a county
16 nursing home directed and maintained under Section 5-1005 of
17 the Counties Code, and (ii) a part of a hospital in which
18 skilled or intermediate long-term care services within the
19 meaning of Title XVIII or XIX of the Social Security Act are
20 provided; except that the term "long-term care facility" does
21 not include a facility operated solely as an intermediate care
22 facility for the mentally retarded within the meaning of Title
23 XIX of the Social Security Act.

1 "Long-term care provider" means (i) a person licensed by
2 the Department of Public Health to operate and maintain a
3 skilled nursing or intermediate long-term care facility or (ii)
4 a hospital provider that provides skilled or intermediate
5 long-term care services within the meaning of Title XVIII or
6 XIX of the Social Security Act. For purposes of this paragraph,
7 "person" means any political subdivision of the State,
8 municipal corporation, individual, firm, partnership,
9 corporation, company, limited liability company, association,
10 joint stock association, or trust, or a receiver, executor,
11 trustee, guardian, or other representative appointed by order
12 of any court. "Hospital provider" means a person licensed by
13 the Department of Public Health to conduct, operate, or
14 maintain a hospital.

15 "Occupied bed days" shall be computed separately for each
16 long-term care facility operated or maintained by a long-term
17 care provider, and means the sum for all beds of the number of
18 days during the year on which each bed is occupied by a
19 resident (other than a resident receiving care at an
20 intermediate care facility for the mentally retarded within the
21 meaning of Title XIX of the Social Security Act).

22 "Intergovernmental transfer payment" means the payments
23 established under Section 15-3 of this Code, and includes
24 without limitation payments payable under that Section for
25 July, August, and September of 1992.

26 (Source: P.A. 87-861.)

1 (Text of Section after amendment by P.A. 96-339)

2 Sec. 5B-1. Definitions. As used in this Article, unless the
3 context requires otherwise:

4 "Fund" means the Long-Term Care Provider Fund.

5 "Long-term care facility" means (i) a skilled nursing or
6 intermediate long term care facility, whether public or private
7 and whether organized for profit or not-for-profit, that is
8 subject to licensure by the Illinois Department of Public
9 Health under the Nursing Home Care Act ~~or the MR/DD Community~~
10 ~~Care Act~~, including a county nursing home directed and
11 maintained under Section 5-1005 of the Counties Code, and (ii)
12 a part of a hospital in which skilled or intermediate long-term
13 care services within the meaning of Title XVIII or XIX of the
14 Social Security Act are provided; except that the term
15 "long-term care facility" does not include a facility operated
16 solely as an intermediate care facility for the mentally
17 retarded within the meaning of Title XIX of the Social Security
18 Act.

19 "Long-term care provider" means (i) a person licensed by
20 the Department of Public Health to operate and maintain a
21 skilled nursing or intermediate long-term care facility or (ii)
22 a hospital provider that provides skilled or intermediate
23 long-term care services within the meaning of Title XVIII or
24 XIX of the Social Security Act. For purposes of this paragraph,
25 "person" means any political subdivision of the State,

1 municipal corporation, individual, firm, partnership,
2 corporation, company, limited liability company, association,
3 joint stock association, or trust, or a receiver, executor,
4 trustee, guardian, or other representative appointed by order
5 of any court. "Hospital provider" means a person licensed by
6 the Department of Public Health to conduct, operate, or
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9 long-term care facility operated or maintained by a long-term
10 care provider, and means the sum for all beds of the number of
11 days during the year on which each bed is occupied by a
12 resident (other than a resident receiving care at an
13 intermediate care facility for the mentally retarded within the
14 meaning of Title XIX of the Social Security Act).

15 "Intergovernmental transfer payment" means the payments
16 established under Section 15-3 of this Code, and includes
17 without limitation payments payable under that Section for
18 July, August, and September of 1992.

19 (Source: P.A. 96-339, eff. 7-1-10.)

20 (305 ILCS 5/5E-5)

21 (Text of Section before amendment by P.A. 96-339)

22 Sec. 5E-5. Definitions. As used in this Article, unless the
23 context requires otherwise:

24 "Nursing home" means (i) a skilled nursing or intermediate
25 long-term care facility, whether public or private and whether

1 organized for profit or not-for-profit, that is subject to
2 licensure by the Illinois Department of Public Health under the
3 Nursing Home Care Act, including a county nursing home directed
4 and maintained under Section 5-1005 of the Counties Code, and
5 (ii) a part of a hospital in which skilled or intermediate
6 long-term care services within the meaning of Title XVIII or
7 XIX of the Social Security Act are provided; except that the
8 term "nursing home" does not include a facility operated solely
9 as an intermediate care facility for the mentally retarded
10 within the meaning of Title XIX of the Social Security Act.

11 "Nursing home provider" means (i) a person licensed by the
12 Department of Public Health to operate and maintain a skilled
13 nursing or intermediate long-term care facility which charges
14 its residents, a third party payor, Medicaid, or Medicare for
15 skilled nursing or intermediate long-term care services, or
16 (ii) a hospital provider that provides skilled or intermediate
17 long-term care services within the meaning of Title XVIII or
18 XIX of the Social Security Act. For purposes of this paragraph,
19 "person" means any political subdivision of the State,
20 municipal corporation, individual, firm, partnership,
21 corporation, company, limited liability company, association,
22 joint stock association, or trust, or a receiver, executor,
23 trustee, guardian, or other representative appointed by order
24 of any court. "Hospital provider" means a person licensed by
25 the Department of Public Health to conduct, operate, or
26 maintain a hospital.

1 "Licensed bed days" shall be computed separately for each
2 nursing home operated or maintained by a nursing home provider
3 and means, with respect to a nursing home provider, the sum for
4 all nursing home beds of the number of days during a calendar
5 quarter on which each bed is covered by a license issued to
6 that provider under the Nursing Home Care Act or the Hospital
7 Licensing Act.

8 (Source: P.A. 88-88.)

9 (Text of Section after amendment by P.A. 96-339)

10 Sec. 5E-5. Definitions. As used in this Article, unless the
11 context requires otherwise:

12 "Nursing home" means (i) a skilled nursing or intermediate
13 long-term care facility, whether public or private and whether
14 organized for profit or not-for-profit, that is subject to
15 licensure by the Illinois Department of Public Health under the
16 Nursing Home Care Act ~~or the MR/DD Community Care Act,~~
17 including a county nursing home directed and maintained under
18 Section 5-1005 of the Counties Code, and (ii) a part of a
19 hospital in which skilled or intermediate long-term care
20 services within the meaning of Title XVIII or XIX of the Social
21 Security Act are provided; except that the term "nursing home"
22 does not include a facility operated solely as an intermediate
23 care facility for the mentally retarded within the meaning of
24 Title XIX of the Social Security Act.

25 "Nursing home provider" means (i) a person licensed by the

1 Department of Public Health to operate and maintain a skilled
2 nursing or intermediate long-term care facility which charges
3 its residents, a third party payor, Medicaid, or Medicare for
4 skilled nursing or intermediate long-term care services, or
5 (ii) a hospital provider that provides skilled or intermediate
6 long-term care services within the meaning of Title XVIII or
7 XIX of the Social Security Act. For purposes of this paragraph,
8 "person" means any political subdivision of the State,
9 municipal corporation, individual, firm, partnership,
10 corporation, company, limited liability company, association,
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14 the Department of Public Health to conduct, operate, or
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17 nursing home operated or maintained by a nursing home provider
18 and means, with respect to a nursing home provider, the sum for
19 all nursing home beds of the number of days during a calendar
20 quarter on which each bed is covered by a license issued to
21 that provider under the Nursing Home Care Act or the Hospital
22 Licensing Act.

23 (Source: P.A. 96-339, eff. 7-1-10.)

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