

AN ACT concerning regulation.

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

Section 5. The Nursing Home Care Act is amended by changing Sections 3-112, 3-113, and 3-114 as follows:

(210 ILCS 45/3-112) (from Ch. 111 1/2, par. 4153-112)

Sec. 3-112. (a) Whenever ownership of a facility is transferred from the person named in the license to any other person, the transferee must obtain a new probationary license. The transferee shall notify the Department of the transfer and apply for a new license at least 30 days prior to final transfer.

(b) The transferor shall notify the Department at least 30 days prior to final transfer. The transferor shall remain responsible for the operation of the facility until such time as a license is issued to the transferee.

(c) The transferee shall submit to the Department a transition plan, signed by both the transferee and the transferor, that includes, at a minimum, a detailed explanation of how resident care and appropriate staffing levels shall be maintained until the license has been obtained and the transfer of the facility operations occurs. The transition plan shall be submitted at the same time as notice

to the Department of the transfer. The transferor and transferee shall coordinate as necessary to ensure that there are no gaps in care, staffing, and safety during the transition period.

The Department shall accept or reject the transition plan within 10 days after submission. If the transition plan is rejected, the Department shall work with the facility, the transferee, and the transferor to bring the transition plan into compliance. If the Department finds that an entity failed to follow an accepted transition plan and ensure residents are provided adequate care during the change of ownership process, and finds actual harm to a resident, the Department shall establish a high-risk designation pursuant to paragraph (9) of Section 3-305. The Department shall issue a violation to the entity that failed to carry out their responsibility under the transition plan that resulted in the violation. As described in this Section, the change of ownership process shall begin upon submission of the transition plan to 30 days after the transfer of the facility.

(Source: P.A. 98-756, eff. 7-16-14.)

(210 ILCS 45/3-113) (from Ch. 111 1/2, par. 4153-113)

Sec. 3-113. (a) The license granted to the transferee shall be subject to the plan of correction submitted by the previous owner and approved by the Department and any conditions contained in a conditional license issued to the

previous owner. If there are outstanding violations and no approved plan of correction has been implemented, the Department may issue a conditional license and plan of correction as provided in Sections 3-311 through 3-317. The license granted to a transferee for a facility that is in receivership shall be subject to any contractual obligations assumed by a grantee under the Equity in Long-term Care Quality Act and to the plan submitted by the receiver for continuing and increasing adherence to best practices in providing high-quality nursing home care, unless the grant is repaid, under conditions to be determined by rule by the Department in its administration of the Equity in Long-term Care Quality Act.

(b) If the Department finds that an entity failed to follow an accepted transition plan and ensure residents are provided adequate care during the change of ownership process, and finds actual harm to a resident, the Department shall establish a high-risk designation pursuant to paragraph (9) of Section 3-305. The Department shall issue a violation to the entity that failed to carry out their responsibility under the transition plan that caused the violation. As described in this Section, the change of ownership process shall begin upon submission of the transition plan to 30 days after the transfer of the facility.

(Source: P.A. 96-1372, eff. 7-29-10.)

(210 ILCS 45/3-114) (from Ch. 111 1/2, par. 4153-114)

Sec. 3-114. The transferor shall remain liable for all penalties assessed against the facility which are imposed for violations occurring prior to transfer of ownership. If the Department finds that an entity failed to follow an accepted transition plan and ensure residents are provided adequate care during the change of ownership process, and finds actual harm to a resident, the Department shall establish a high-risk designation pursuant to paragraph (9) of Section 3-305. The Department shall issue a violation to the entity that failed to carry out their responsibility under the transition plan that caused the violation. As described in this Section, the change of ownership process shall begin upon submission of the transition plan to 30 days after the transfer of the facility.

(Source: P.A. 81-223.)