



# Health Law Diagnosis

## Monitoring the Pulse of Health Care and Life Sciences

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The Robinson+Cole Health Law Group is committed to examining and reporting on issues important to the health care and life sciences industries. For more updates on news and developments for the health care and life sciences industries, we invite you to [subscribe to our Health Law Diagnosis blog](#).

### [Pending Illinois Legislation Could Heighten Merger Requirements for Health Care Facilities](#)

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The Illinois House of Representatives recently voted in favor of passing [HB 2222](#) (“the Bill”), which, if enacted, would amend the [Illinois Antitrust Act](#) to add new reporting requirements for certain transactions, including mergers, acquisitions, and contracting affiliations. These heightened requirements would impact health care facilities and provider organizations starting on January 1, 2024. The Bill is currently under consideration in the Illinois Senate, and would need to be passed by the Illinois Senate and then signed by Illinois Governor J.B. Pritzker in order to be enacted into law.

If enacted, the Bill would add a notice requirement to the Antitrust Act, mandating that entities notify the Illinois Attorney General of any covered transaction 30 days prior to its effective date. This requirement would also apply to any Illinois provider seeking to contract with an out-of-state entity that generates \$10 million or more in revenue from Illinois residents.

The Bill’s definition of “health care facility” includes the following entities:

- Ambulatory surgical treatment centers;
- Hospitals and other facilities licensed under the Hospital Licensing Act;
- Kidney disease treatment centers; and
- Outpatient surgical centers.

Further, the Bill defines “provider organization” as “a corporation, partnership, business trust, association, or organized group of persons ... which is in the business of health care delivery or management and that represents 20 or more health care providers.” This definition includes the following:

- Physician organizations;
- Physician-hospital organizations;
- Independent practice associations;
- Provider networks; and
- Accountable care organizations.

Within 30 days of receiving notice, the Attorney General may request from the parties any additional information deemed relevant to the investigation of the transaction. If such a request is made, the transaction would not be able to proceed until 30 days after the parties have “substantially complied” with the request. Noncompliance with the notice requirements or requests for further information would result in a penalty of up to \$500 per day. If there is reason to believe that a transaction is taking place without notice, the Illinois Attorney General would be able to obtain a temporary restraining order or injunction to prevent the transaction from occurring. The parties would then have a 10-day period to cure the noncompliance.

We will continue to monitor the status of the Bill as it proceeds through the legislative process. Entities meeting the definition of “health care facility” as defined above should be sure to follow the Bill’s progression and ensure compliance with any additional requirements that may be enacted.

*\*This post was co-authored by Ivy Miller, legal intern at Robinson+Cole. Ivy is not admitted to practice law.*

If you have any questions, please contact any member of Robinson+Cole’s [Health Law Group](#).

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