

1 AN ACT concerning regulation.

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 adding Section 12-4.40 as follows:

6 (305 ILCS 5/12-4.40 new)

7 Sec. 12-4.40. Medicaid Revenue Maximization.

8 (a) Purpose. The General Assembly finds that there is a
9 need to make changes to the administration of services provided
10 by State and local governments in order to maximize federal
11 financial participation.

12 (b) Definitions. As used in this Section:

13 "Community Medicaid mental health services" means all
14 mental health services outlined in Section 132 of Title 59 of
15 the Illinois Administrative Code that are funded through DHS,
16 eligible for federal financial participation, and provided by a
17 community-based provider.

18 "Community-based provider" means an entity enrolled as a
19 provider pursuant to Sections 140.11 and 140.12 of Title 89 of
20 the Illinois Administrative Code and certified to provide
21 community Medicaid mental health services in accordance with
22 Section 132 of Title 59 of the Illinois Administrative Code.

23 "DCFS" means the Department of Children and Family

1 Services.

2 "Department" means the Illinois Department of Healthcare
3 and Family Services.

4 "Developmentally disabled care facility" means an
5 intermediate care facility for the mentally retarded within the
6 meaning of Title XIX of the Social Security Act, whether public
7 or private and whether organized for profit or not-for-profit,
8 but shall not include any facility operated by the State.

9 "Developmentally disabled care provider" means a person
10 conducting, operating, or maintaining a developmentally
11 disabled care facility. For purposes of this definition,
12 "person" means any political subdivision of the State,
13 municipal corporation, individual, firm, partnership,
14 corporation, company, limited liability company, association,
15 joint stock association, or trust, or a receiver, executor,
16 trustee, guardian, or other representative appointed by order
17 of any court.

18 "DHS" means the Illinois Department of Human Services.

19 "Hospital" means an institution, place, building, or
20 agency located in this State that is licensed as a general
21 acute hospital by the Illinois Department of Public Health
22 under the Hospital Licensing Act, whether public or private and
23 whether organized for profit or not-for-profit.

24 "Long term care facility" means (i) a skilled nursing or
25 intermediate long term care facility, whether public or private
26 and whether organized for profit or not-for-profit, that is

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

11 "Long term care provider" means (i) a person licensed by
12 the Department of Public Health to operate and maintain a
13 skilled nursing or intermediate long term care facility or (ii)
14 a hospital provider that provides skilled or intermediate long
15 term care services within the meaning of Title XVIII or XIX of
16 the Social Security Act. For purposes of this definition,
17 "person" means any political subdivision of the State,
18 municipal corporation, individual, firm, partnership,
19 corporation, company, limited liability company, association,
20 joint stock association, or trust, or a receiver, executor,
21 trustee, guardian, or other representative appointed by order
22 of any court.

23 "State-operated developmentally disabled care facility"
24 means an intermediate care facility for the mentally retarded
25 within the meaning of Title XIX of the Social Security Act
26 operated by the State.

1 (c) Administration and deposit of Revenues. The Department
2 shall coordinate the implementation of changes required by this
3 amendatory Act of the 96th General Assembly amongst the various
4 State and local government bodies that administer programs
5 referred to in this Section.

6 Revenues generated by program changes mandated by any
7 provision in this Section, less reasonable administrative
8 costs associated with the implementation of these program
9 changes, shall be deposited into the Healthcare Provider Relief
10 Fund.

11 The Department shall issue a report to the General Assembly
12 detailing the implementation progress of this amendatory Act of
13 the 96th General Assembly as a part of the Department's Medical
14 Programs annual report for fiscal years 2010 and 2011.

15 (d) Acceleration of payment vouchers. To the extent
16 practicable and permissible under federal law, the Department
17 shall create all vouchers for long term care facilities and
18 developmentally disabled care facilities for dates of service
19 in the month in which the enhanced federal medical assistance
20 percentage (FMAP) originally set forth in the American Recovery
21 and Reinvestment Act (ARRA) expires and for dates of service in
22 the month prior to that month and shall, no later than the 15th
23 of the month in which the enhanced FMAP expires, submit these
24 vouchers to the Comptroller for payment.

25 The Department of Human Services shall create the necessary
26 documentation for State-operated developmentally disabled care

1 facilities so that the necessary data for all dates of service
2 before the expiration of the enhanced FMAP originally set forth
3 in the ARRA can be adjudicated by the Department no later than
4 the 15th of the month in which the enhanced FMAP expires.

5 (e) Billing of DHS community Medicaid mental health
6 services. No later than July 1, 2011, community Medicaid mental
7 health services provided by a community-based provider must be
8 billed directly to the Department.

9 (f) DCFS Medicaid services. The Department shall work with
10 DCFS to identify existing programs, pending qualifying
11 services, that can be converted in an economically feasible
12 manner to Medicaid in order to secure federal financial
13 revenue.

14 (g) Third Party Liability recoveries. The Department shall
15 contract with a vendor to support the Department in
16 coordinating benefits for Medicaid enrollees. The scope of work
17 shall include, at a minimum, the identification of other
18 insurance for Medicaid enrollees and the recovery of funds paid
19 by the Department when another payer was liable. The vendor may
20 be paid a percentage of actual cash recovered when practical
21 and subject to federal law.

22 (h) Public health departments. The Department shall
23 identify unreimbursed costs for persons covered by Medicaid who
24 are served by the Chicago Department of Public Health.

25 The Department shall assist the Chicago Department of
26 Public Health in determining total unreimbursed costs

1 associated with the provision of healthcare services to
2 Medicaid enrollees.

3 The Department shall determine and draw the maximum
4 allowable federal matching dollars associated with the cost of
5 Chicago Department of Public Health services provided to
6 Medicaid enrollees.

7 (i) Acceleration of hospital-based payments. The
8 Department shall, by the 10th day of the month in which the
9 enhanced FMAP originally set forth in the ARRA expires, create
10 vouchers for all State fiscal year 2011 hospital payments
11 exempt from the prompt payment requirements of the ARRA. The
12 Department shall submit these vouchers to the Comptroller for
13 payment.

14 Section 10. The Community Services Act is amended by adding
15 Section 4.8 as follows:

16 (405 ILCS 30/4.8 new)

17 Sec. 4.8. Payments for community Medicaid mental health
18 services.

19 (a) No later than July 1, 2011, community Medicaid mental
20 health services provided by a community-based provider must be
21 billed directly to the Department of Healthcare and Family
22 Services.

23 (b) For purposes of this Section:

24 "Community Medicaid mental health services" means all

1 mental health services outlined in Section 132 of Title 59 of
2 the Illinois Administrative Code that are funded through the
3 Department of Human Services, eligible for federal financial
4 participation, and provided by a community-based provider.

5 "Community-based provider" means an entity enrolled as a
6 provider pursuant to Sections 140.11 and 140.12 of Title 89 of
7 the Illinois Administrative Code and certified to provide
8 community Medicaid mental health services in accordance with
9 Section 132 of Title 59 of the Illinois Administrative Code.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.