



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4551

Introduced 2/5/2020, by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-5.01a

Amends the Medical Assistance Article of the Illinois Public Aid Code. Provides that supportive living facilities that are approved, but not yet operational, and located in a county with a population of more than 4,000,000 and in a municipality where the average income of its residents is less than 180% of the 2019 poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services, may apply at any time to convert up to 25% of its approved supportive living beds to dementia care beds. Requires the Department of Healthcare and Family Services to approve such applications within 90 days of receipt.

LRB101 17769 KTG 67197 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Section 5-5.01a as follows:

6 (305 ILCS 5/5-5.01a)

7 Sec. 5-5.01a. Supportive living facilities program.

8 (a) The Department shall establish and provide oversight
9 for a program of supportive living facilities that seek to
10 promote resident independence, dignity, respect, and
11 well-being in the most cost-effective manner.

12 A supportive living facility is (i) a free-standing
13 facility or (ii) a distinct physical and operational entity
14 within a mixed-use building that meets the criteria established
15 in subsection (d). A supportive living facility integrates
16 housing with health, personal care, and supportive services and
17 is a designated setting that offers residents their own
18 separate, private, and distinct living units.

19 Sites for the operation of the program shall be selected by
20 the Department based upon criteria that may include the need
21 for services in a geographic area, the availability of funding,
22 and the site's ability to meet the standards.

23 (b) Beginning July 1, 2014, subject to federal approval,

1 the Medicaid rates for supportive living facilities shall be
2 equal to the supportive living facility Medicaid rate effective
3 on June 30, 2014 increased by 8.85%. Once the assessment
4 imposed at Article V-G of this Code is determined to be a
5 permissible tax under Title XIX of the Social Security Act, the
6 Department shall increase the Medicaid rates for supportive
7 living facilities effective on July 1, 2014 by 9.09%. The
8 Department shall apply this increase retroactively to coincide
9 with the imposition of the assessment in Article V-G of this
10 Code in accordance with the approval for federal financial
11 participation by the Centers for Medicare and Medicaid
12 Services.

13 The Medicaid rates for supportive living facilities
14 effective on July 1, 2017 must be equal to the rates in effect
15 for supportive living facilities on June 30, 2017 increased by
16 2.8%.

17 Subject to federal approval, the Medicaid rates for
18 supportive living services on and after July 1, 2019 must be at
19 least 54.3% of the average total nursing facility services per
20 diem for the geographic areas defined by the Department while
21 maintaining the rate differential for dementia care and must be
22 updated whenever the total nursing facility service per diems
23 are updated.

24 (c) The Department may adopt rules to implement this
25 Section. Rules that establish or modify the services,
26 standards, and conditions for participation in the program

1 shall be adopted by the Department in consultation with the
2 Department on Aging, the Department of Rehabilitation
3 Services, and the Department of Mental Health and Developmental
4 Disabilities (or their successor agencies).

5 (d) Subject to federal approval by the Centers for Medicare
6 and Medicaid Services, the Department shall accept for
7 consideration of certification under the program any
8 application for a site or building where distinct parts of the
9 site or building are designated for purposes other than the
10 provision of supportive living services, but only if:

11 (1) those distinct parts of the site or building are
12 not designated for the purpose of providing assisted living
13 services as required under the Assisted Living and Shared
14 Housing Act;

15 (2) those distinct parts of the site or building are
16 completely separate from the part of the building used for
17 the provision of supportive living program services,
18 including separate entrances;

19 (3) those distinct parts of the site or building do not
20 share any common spaces with the part of the building used
21 for the provision of supportive living program services;
22 and

23 (4) those distinct parts of the site or building do not
24 share staffing with the part of the building used for the
25 provision of supportive living program services.

26 (e) Facilities or distinct parts of facilities which are

1 selected as supportive living facilities and are in good
2 standing with the Department's rules are exempt from the
3 provisions of the Nursing Home Care Act and the Illinois Health
4 Facilities Planning Act.

5 (f) Notwithstanding any provision of this Code to the
6 contrary, supportive living facilities that are approved, but
7 not yet operational, and located in a county with a population
8 of more than 4,000,000 and in a municipality where the average
9 income of its residents is less than 180% of the 2019 poverty
10 guidelines updated periodically in the Federal Register by the
11 U.S. Department of Health and Human Services under the
12 authority of 42 U.S.C. 9902(2), may apply at any time to
13 convert up to 25% of its approved supportive living beds to
14 dementia care beds. The Department shall approve such
15 applications within 90 days of receipt.

16 (Source: P.A. 100-23, eff. 7-6-17; 100-583, eff. 4-6-18;
17 100-587, eff. 6-4-18; 101-10, eff. 6-5-19.)