



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3385

Introduced 2/14/2020, by Sen. Heather A. Steans

SYNOPSIS AS INTRODUCED:

See Index

Creates the Mental Health and Substance Use Disorder Rate Equity Act. Provides that, beginning in 2023, and every State fiscal year thereafter, the General Assembly shall appropriate sufficient funds to the Department of Human Services to ensure grants to community-based prevention organizations and providers of mental health and substance use disorder treatment under community service grant programs will be adjusted upward by an amount equal to the Consumer Price Index-U from the previous year, not to exceed 2% in any State fiscal year. Requires similar appropriations to be made to increase the reimbursement rates for certified community mental health centers and behavioral health clinics and licensed or certified community-based substance use disorder treatment providers. Amends the Substance Use Disorder Act. Requires the Department of Human Services to implement incremental rate increases for all community-based substance use disorder treatment and intervention services beginning July 1, 2020 and every State fiscal year thereafter. Amends the Mental Health and Developmental Disabilities Administrative Act. Requires the Department to implement incremental rate increases for all community-based mental health treatment services beginning July 1, 2020 and every State fiscal year thereafter. Amends the Illinois Public Aid Code. Provides that, beginning on July 1, 2020, reimbursement rates, for psychiatric and behavioral health services provided by community mental health centers or behavioral health clinics shall be increased by 9%. Requires incremental rate increases beginning July 1, 2021 and every State fiscal year thereafter. Amends the Illinois Administrative Procedure Act. Permits the Departments of Human Services and Healthcare and Family Services to adopt emergency rules. Effective immediately.

LRB101 18462 KTG 67910 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning mental health.

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

4 Section 1. Short title. This Act may be cited as the Mental
5 Health and Substance Use Disorder Rate Equity Act.

6 Section 5. Findings. The General Assembly finds that:

7 (1) A March 2019 report by the USC Schaeffer Center for
8 Health Policy & Economics estimates the following for the State
9 of Illinois: almost 951,066 adults in Illinois experienced
10 serious psychological distress in the past 12 months.

11 (2) People who experienced serious psychological distress
12 in the past 12 months are more likely to abuse or be dependent
13 on alcohol or illicit drugs during that same time period.

14 (3) In Illinois, 28.6% of people with serious mental
15 psychological distress have an unmet need of mental health
16 treatment.

17 (4) In Illinois, 33.3% of people with serious psychological
18 distress and an unmet need of mental health treatment did not
19 receive this treatment due to costs.

20 (5) In the Medicaid and uninsured population, a higher
21 percentage of adults, 14% and 11.6% respectively, in Illinois
22 reported serious psychological distress during the past year
23 compared to people with Medicare, Veterans, or private health

1 insurance coverage.

2 (6) Hospital costs in the U.S. and Illinois ranged from
3 \$5,000 to \$9,000 per stay for patients with serious mental
4 illness.

5 (7) Total hospital costs in Illinois for hospitalizations
6 for serious mental illness together exceeded \$360,000,000 in
7 2014.

8 (8) Illinois' mental health agency spends a very low per
9 capita amount, \$77 on mental health services, compared to the
10 rest of the U.S., \$133.

11 (9) There are 13.8 behavioral health care professionals for
12 every 10,000 residents in Illinois, which is significantly
13 lower than the average, 21.4, in the U.S.

14 (10) The number of behavioral health care professionals
15 needed to remove the shortage designation in Health
16 Professional Shortage Areas is high in all states surrounding
17 Illinois, especially in rural areas. However, Illinois has seen
18 the highest increase, +215%, in these shortages between 2017
19 and 2019.

20 (11) In Illinois state prisons, approximately 18% of prison
21 inmates, or 7,883 inmates, have been previously diagnosed with
22 a serious mental illness, compared to the overall U.S. prison
23 population, 22%.

24 (12) The economic burden of schizophrenia, bipolar
25 disorder, and major depressive disorder in adults in Illinois
26 is estimated to be at least \$1,400,000,000 for each serious

1 mental illness.

2 (13) NAMI Illinois reports that youth mental health is
3 worsening. Rates of youth depression increased from 8.5% in
4 2011 to 11.1% in 2014.

5 (14) In 2019, the Journal of Community Health found that
6 suicide rates are disproportionately higher among African
7 American adolescents. From 2001 to 2017, the rate for African
8 American teen boys rose 60%, according to the study. Among
9 African American teen girls, rates nearly tripled, rising by an
10 astounding 182%. Illinois was among the 10 states with the
11 greatest number of African American adolescent suicides
12 (2015-2017).

13 (15) In 2017, according to the National Institute on Drug
14 Abuse, there were 2,202 drug overdose deaths involving opioids
15 in Illinois - a rate of 17.2 deaths per 100,000 persons, which
16 is higher than the national rate of 14.6 deaths per 100,000
17 persons. The greatest increase in opioid deaths was seen in
18 cases involving synthetic opioids (mainly fentanyl): a rise
19 from 127 deaths in 2014 to 1,187 deaths in 2017. Deaths
20 involving heroin also increased significantly in the same
21 3-year period: from 844 to 1,251 deaths. There were 623 deaths
22 involving prescription opioids in 2017, nearly double the 343
23 deaths in 2014.

24 (16) In the State Fiscal Year 2020 budget, the General
25 Assembly provided a rate increase for behavioral health care
26 services of 2.5%, which is insufficient to meet costs of

1 Illinois' \$15 minimum wage increase alone.

2 (17) Good mental health allows people to feel good about
3 life, helping people accomplish their goals and participate in
4 their communities. To promote the prosperity of all
5 Illinoisans, we need to invest in our State's mental health and
6 addiction treatment services. When we improve programs and
7 services that help all Illinoisans establish stable mental
8 health and well-being, we contribute to everyone's
9 prosperity-both now and in the future. Increasing our
10 investments in behavioral health prevention and early
11 intervention now will help ensure that we establish the
12 foundation of a strong future for our State and everyone in it.

13 Section 10. Funding for community-based prevention
14 organizations and providers of mental health and substance use
15 disorder treatment. Beginning in 2023, and every State fiscal
16 year thereafter, the General Assembly shall appropriate
17 sufficient funds to the Department of Human Services to ensure
18 grants to community-based prevention organizations and
19 providers of mental health and substance use disorder treatment
20 under community service grant programs for mental health and
21 substance use disorder prevention will be adjusted upward by an
22 amount equal to the Consumer Price Index-U from the previous
23 year, not to exceed 2% in any State fiscal year. If there is a
24 decrease in the Consumer Price Index-U, rates shall remain
25 unchanged for that State fiscal year.

1 For the purposes of this Section, "consumer price index-u"
2 means the index published by the Bureau of Labor Statistics of
3 the United States Department of Labor that measures the average
4 change in prices of goods and services purchased by all urban
5 consumers, United States city average, all items, 1982-84 =
6 100.

7 Section 15. Funding for certified community mental health
8 centers and behavioral health clinics. Beginning in 2023, and
9 every State fiscal year thereafter, the General Assembly shall
10 appropriate sufficient funds to the Department of Human
11 Services to ensure reimbursement rates for certified community
12 mental health centers and behavioral health clinics under
13 community service grant programs for persons with mental
14 illness will be adjusted upward by an amount equal to the
15 Consumer Price Index-U from the previous year, not to exceed 2%
16 in any State fiscal year. If there is a decrease in the
17 Consumer Price Index-U, rates shall remain unchanged for that
18 State fiscal year. The Department shall adopt rules, including
19 emergency rules under Section 5-45.1 of the Illinois
20 Administrative Procedure Act, to implement the provisions of
21 this Section.

22 For the purposes of this Section, "consumer price index-u"
23 means the index published by the Bureau of Labor Statistics of
24 the United States Department of Labor that measures the average
25 change in prices of goods and services purchased by all urban

1 consumers, United States city average, all items, 1982-84 =
2 100.

3 Section 20. Funding for licensed or certified
4 community-based substance use disorder treatment providers.
5 Beginning in 2023, and every State fiscal year thereafter, the
6 General Assembly shall appropriate sufficient funds to the
7 Department of Human Services to ensure reimbursement rates for
8 licensed or certified community-based substance use disorder
9 treatment providers under community service grant programs for
10 persons with substance use disorders will be adjusted upward by
11 an amount equal to the Consumer Price Index-U from the previous
12 year, not to exceed 2% in any State fiscal year. If there is a
13 decrease in the Consumer Price Index-U, rates shall remain
14 unchanged for that State fiscal year. The Department shall
15 adopt rules, including emergency rules under Section 5-45.1 of
16 the Illinois Administrative Procedure Act, to implement the
17 provisions of this Section.

18 For the purposes of this Section, "consumer price index-u"
19 means the index published by the Bureau of Labor Statistics of
20 the United States Department of Labor that measures the average
21 change in prices of goods and services purchased by all urban
22 consumers, United States city average, all items, 1982-84 =
23 100.

24 Section 25. Illinois Administrative Procedure Act is

1 amended by adding Section 5-45.1 as follows:

2 (5 ILCS 100/5-45.1 new)

3 Sec. 5-45.1. Emergency rulemaking; Departments of
4 Healthcare and Family Services and Human Services. To provide
5 for the expeditious and timely implementation of provisions of
6 the Mental Health and Substance Use Disorder Rate Equity Act,
7 Section 55-30 of the Substance Use Disorder Act, Section 75 of
8 the Mental Health and Developmental Disabilities
9 Administrative Act, and Section 5-5.05a of the Illinois Public
10 Aid Code, emergency rules may be adopted in accordance with
11 Section 5-45 by the respective Department. The adoption of
12 emergency rules authorized by Section 5-45 and this Section is
13 deemed to be necessary for the public interest, safety, and
14 welfare.

15 This Section is repealed on January 1, 2026.

16 Section 30. The Substance Use Disorder Act is amended by
17 changing Section 55-30 as follows:

18 (20 ILCS 301/55-30)

19 Sec. 55-30. Rate increase.

20 (a) The Department shall by rule develop the increased rate
21 methodology and annualize the increased rate beginning with
22 State fiscal year 2018 contracts to licensed providers of
23 community-based substance use disorder intervention or

1 treatment, based on the additional amounts appropriated for the
2 purpose of providing a rate increase to licensed providers. The
3 Department shall adopt rules, including emergency rules under
4 subsection (y) of Section 5-45 of the Illinois Administrative
5 Procedure Act, to implement the provisions of this Section.

6 (b) (Blank) ~~Within 30 days after June 4, 2018 (the~~
7 ~~effective date of Public Act 100-587), the Division of~~
8 ~~Substance Use Prevention and Recovery shall apply an increase~~
9 ~~in rates of 3% above the rate paid on June 30, 2017 to all~~
10 ~~Medicaid and non-Medicaid reimbursable service rates. The~~
11 ~~Department shall adopt rules, including emergency rules under~~
12 ~~subsection (bb) of Section 5-45 of the Illinois Administrative~~
13 ~~Procedure Act, to implement the provisions of this subsection~~
14 ~~(b).~~

15 (c) Beginning on July 1, 2020, the Division of Substance
16 Use Prevention and Recovery shall increase reimbursement rates
17 for all community-based substance use disorder treatment and
18 intervention services by 9%. On July 1, 2021, such rates shall
19 be increased by 7%. On July 1, 2022, such rates shall be
20 increased by 5%. Beginning in 2023, and every State fiscal year
21 thereafter, reimbursement rates for those community-based
22 substance use disorder treatment and intervention services
23 shall be adjusted upward by an amount equal to the Consumer
24 Price Index-U from the previous year, not to exceed 2% in any
25 State fiscal year. If there is a decrease in the Consumer Price
26 Index-U, rates shall remain unchanged for that State fiscal

1 year. The Department shall adopt rules, including emergency
2 rules under Section 5-45.1 of the Illinois Administrative
3 Procedure Act, to implement the provisions of this Section.

4 For the purposes of this subsection, "consumer price
5 index-u" means the index published by the Bureau of Labor
6 Statistics of the United States Department of Labor that
7 measures the average change in prices of goods and services
8 purchased by all urban consumers, United States city average,
9 all items, 1982-84 = 100.

10 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
11 100-759, eff. 1-1-19; 101-81, eff. 7-12-19.)

12 Section 35. The Mental Health and Developmental
13 Disabilities Administrative Act is amended by changing Section
14 75 as follows:

15 (20 ILCS 1705/75)

16 Sec. 75. Rate increase. Beginning on July 1, 2020, the
17 Division of Mental Health shall increase reimbursement rates
18 for all community-based mental health treatment services by 9%.
19 On July 1, 2021 such rates shall be increased by 7%. On July 1,
20 2022, such rates shall be increased by 5%. Beginning in 2023,
21 and every State fiscal year thereafter, reimbursement rates for
22 those community-based mental health treatment services shall
23 be adjusted upward by an amount equal to the Consumer Price
24 Index-U from the previous year, not to exceed 2% in any State

1 fiscal year. If there is a decrease in the Consumer Price
2 Index-U, rates shall remain unchanged for that State fiscal
3 year. The Department shall adopt rules, including emergency
4 rules under Section 5-45.1 of the Illinois Administrative
5 Procedure Act, to implement the provisions of this Section.
6 ~~Within 30 days after July 6, 2017 (the effective date of Public~~
7 ~~Act 100-23), the Division of Mental Health shall by rule~~
8 ~~develop the increased rate methodology and annualize the~~
9 ~~increased rate beginning with State fiscal year 2018 contracts~~
10 ~~to certified community mental health centers, based on the~~
11 ~~additional amounts appropriated for the purpose of providing a~~
12 ~~rate increase to certified community mental health centers,~~
13 ~~with the annualization to be maintained in State fiscal year~~
14 ~~2019. The Department shall adopt rules, including emergency~~
15 ~~rules under subsections (y) and (bb) of Section 5-45 of the~~
16 ~~Illinois Administrative Procedure Act, to implement the~~
17 ~~provisions of this Section.~~

18 For the purposes of this Section, "consumer price index-u"
19 means the index published by the Bureau of Labor Statistics of
20 the United States Department of Labor that measures the average
21 change in prices of goods and services purchased by all urban
22 consumers, United States city average, all items, 1982-84 =
23 100.

24 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18.)

25 Section 40. The Illinois Public Aid Code is amended by

1 changing Section 5-5.05a and by adding Section 41 as follows:

2 (305 ILCS 5/5-5.05a)

3 Sec. 5-5.05a. Reimbursement rates; community mental health
4 centers.

5 (a) Notwithstanding the provisions of any other law,
6 reimbursement rates, including enhanced payment rates and rate
7 add-ons, for psychiatric and behavioral health services
8 provided in or by community mental health centers licensed or
9 certified by the Department of Human Services shall not be
10 lower than the rates for such services in effect on November 1,
11 2017. The Department of Healthcare and Family Services shall
12 apply for any waiver or State Plan amendment, if required, to
13 implement the reimbursement rates established in this Section.
14 Implementation of the reimbursement rates shall be contingent
15 on federal approval.

16 (b) Beginning on July 1, 2020, reimbursement rates,
17 including enhanced payment rates and rate add-ons, for
18 psychiatric and behavioral health services provided in or by
19 community mental health centers or behavioral health clinics
20 licensed or certified by the Department of Human Services or
21 the Department of Healthcare and Family Services shall be
22 increased by 9%. On July 1, 2021 such rates shall be increased
23 by 7%. On July 1, 2022, such rates shall be increased by 5%.
24 Beginning in 2023, and every State fiscal year thereafter,
25 reimbursement rates for community mental health centers or

1 behavioral health clinics licensed or certified by the
2 Department of Human Services or the Department of Healthcare
3 and Family Services shall be adjusted upward by an amount equal
4 to the Consumer Price Index-U from the previous year, not to
5 exceed 2% in any State fiscal year. If there is a decrease in
6 the Consumer Price Index-U, rates shall remain unchanged for
7 that State fiscal year. The Department of Healthcare and Family
8 Services shall adopt rules, including emergency rules under
9 Section 5-45.1 of the Illinois Administrative Procedure Act, to
10 implement the provisions of this Section.

11 For the purposes of this subsection, "consumer price
12 index-u" means the index published by the Bureau of Labor
13 Statistics of the United States Department of Labor that
14 measures the average change in prices of goods and services
15 purchased by all urban consumers, United States city average,
16 all items, 1982-84 = 100.

17 (Source: P.A. 100-587, eff. 6-4-18.)

18 (305 ILCS 5/41 new)

19 Sec. 41. Reimbursement rates; substance use disorder
20 treatment providers and facilities. Beginning on July 1, 2020,
21 the Department of Human Services' Division of Substance Use
22 Prevention and Recovery shall increase reimbursement rates by
23 9% for all community-based substance use disorder treatment
24 services. On July 1, 2021 such rates shall be increased by 7%.
25 On July 1, 2022, such rates shall be increased by 5%. Beginning

1 in 2023, and every State fiscal year thereafter, reimbursement
2 rates for those community-based substance use disorder
3 treatment services shall be adjusted upward by an amount equal
4 to the Consumer Price Index-U from the previous year, not to
5 exceed 2% in any State fiscal year. If there is a decrease in
6 the Consumer Price Index-U, rates shall remain unchanged for
7 that State fiscal year. The Department shall adopt rules,
8 including emergency rules under Section 5-45.1 of the Illinois
9 Administrative Procedure Act, to implement the provisions of
10 this Section.

11 For the purposes of this Section, "consumer price index-u"
12 means the index published by the Bureau of Labor Statistics of
13 the United States Department of Labor that measures the average
14 change in prices of goods and services purchased by all urban
15 consumers, United States city average, all items, 1982-84 =
16 100.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 5 ILCS 100/5-45.1 new

5 20 ILCS 301/55-30

6 20 ILCS 1705/75

7 305 ILCS 5/5-5.05a

8 305 ILCS 5/41 new