



Sen. Ira I. Silverstein

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09600HB0415sam001

LRB096 03664 DRJ 26838 a

1 AMENDMENT TO HOUSE BILL 415

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 415 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by  
5 adding Sections 5-5.4d and 5-5.4e as follows:

6 (305 ILCS 5/5-5.4d new)

7 Sec. 5-5.4d. MDS payment methodology; quarterly rate  
8 adjustments. On and after July 1, 2009, the nursing component  
9 of the nursing facility medical assistance rate computed under  
10 the Minimum Data Set (MDS) payment methodology shall be  
11 calculated and adjusted quarterly. The Department of  
12 Healthcare and Family Services may adopt rules necessary to  
13 implement this amendatory Act of the 96th General Assembly  
14 through the use of emergency rulemaking in accordance with  
15 Section 5-45 of the Illinois Administrative Procedure Act,  
16 except that the 24-month limitation on the adoption of

1 emergency rules under Section 5-45 and the provisions of  
2 Sections 5-115 and 5-125 of that Act do not apply to rules  
3 adopted under this Section. For purposes of that Act, the  
4 General Assembly finds that the adoption of rules to implement  
5 this amendatory Act of the 96th General Assembly is deemed an  
6 emergency and necessary for the public interest, safety, and  
7 welfare.

8 (305 ILCS 5/5-5.4e new)

9 Sec. 5-5.4e. Nursing facilities; ventilator rates. On and  
10 after October 1, 2009, the Department of Healthcare and Family  
11 Services shall adopt rules to provide medical assistance  
12 reimbursement under this Article for the care of persons on  
13 ventilators in skilled nursing facilities licensed under the  
14 Nursing Home Care Act and certified to participate under the  
15 medical assistance program. Accordingly, necessary amendments  
16 to the rules implementing the Minimum Data Set (MDS) payment  
17 methodology shall also be made to provide a separate per diem  
18 ventilator rate based on days of service. The Department may  
19 adopt rules necessary to implement this amendatory Act of the  
20 96th General Assembly through the use of emergency rulemaking  
21 in accordance with Section 5-45 of the Illinois Administrative  
22 Procedure Act, except that the 24-month limitation on the  
23 adoption of emergency rules under Section 5-45 and the  
24 provisions of Sections 5-115 and 5-125 of that Act do not apply  
25 to rules adopted under this Section. For purposes of that Act,

1 the General Assembly finds that the adoption of rules to  
2 implement this amendatory Act of the 96th General Assembly is  
3 deemed an emergency and necessary for the public interest,  
4 safety, and welfare.

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.".