



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2093

Introduced 2/20/2009, by Sen. Michael W. Frerichs

SYNOPSIS AS INTRODUCED:

20 ILCS 1705/18.4
20 ILCS 1705/18.5
30 ILCS 105/8h

Amends the Mental Health and Developmental Disabilities Administrative Act and the State Finance Act. Removes the allocation formula for the use of the Community Mental Health Medicaid Trust Fund and provides that 100% of the Fund shall be used for the purchase of community mental health services. Removes the reallocation of the first \$16,700,000 from the Community Developmental Disabilities Medicaid Trust Fund. Requires the Department of Human Services to annually report to the Governor and the General Assembly upon total deposits into and expenditures from those funds. Provides that the moneys in those funds are exempt from fund sweeps. Effective immediately.

LRB096 11467 JAM 21945 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Mental Health and Developmental
5 Disabilities Administrative Act is amended by changing
6 Sections 18.4 and 18.5 as follows:

7 (20 ILCS 1705/18.4)

8 Sec. 18.4. Community Mental Health Medicaid Trust Fund;
9 reimbursement.

10 (a) The Community Mental Health Medicaid Trust Fund is
11 hereby created in the State Treasury.

12 (b) Amounts paid to the State during each State fiscal year
13 by the federal government under Title XIX or Title XXI of the
14 Social Security Act for services delivered by community mental
15 health providers, and any interest earned thereon, shall be
16 deposited 100% into the Community Mental Health Medicaid Trust
17 Fund to be used for the purchase of community mental health
18 services. as follows:

19 ~~(1) The first \$75,000,000 shall be deposited directly~~
20 ~~into the Community Mental Health Medicaid Trust Fund to be~~
21 ~~used for the purchase of community mental health services;~~

22 ~~(2) The next \$4,500,000 shall be deposited directly~~
23 ~~into the Community Mental Health Medicaid Trust Fund to be~~

1 ~~used by the Department of Human Services' Division of~~
2 ~~Mental Health for the oversight and administration of~~
3 ~~community mental health services and up to \$1,000,000 of~~
4 ~~this amount may be used for support of community mental~~
5 ~~health service initiatives;~~

6 ~~(3) The next \$3,500,000 shall be deposited directly~~
7 ~~into the General Revenue Fund;~~

8 ~~(4) Any additional amounts shall be deposited into the~~
9 ~~Community Mental Health Medicaid Trust Fund to be used for~~
10 ~~the purchase of community mental health services.~~

11 (c) The Department shall reimburse community mental health
12 providers for services provided to eligible individuals.
13 Moneys in the ~~Community Mental Health Medicaid~~ Trust Fund may
14 be used for that purpose.

15 (c-5) The Community Mental Health Medicaid Trust Fund is
16 not subject to sweeps, administrative charge-backs, including
17 but not limited to, those authorized under Section 8h of the
18 State Finance Act, or any other fiscal or budgetary maneuver
19 that would in any way transfer any funds from the Trust Fund
20 into any other fund of the State, except as provided in this
21 Section.

22 (c-10) The Department of Human Services shall annually
23 report to the Governor and the General Assembly, by September
24 1, on both the total revenue deposited into the Trust Fund and
25 the total expenditures made from the Trust Fund for the
26 previous fiscal year. This report shall include detailed

1 descriptions of both revenues and expenditures regarding the
2 Trust Fund from the previous fiscal year. This report shall be
3 presented by the Secretary of Human Services to the appropriate
4 Appropriations Committee in the House of Representatives, as
5 determined by the Speaker of the House, and in the Senate, as
6 determined by the President of the Senate. This report shall be
7 made available to the public and shall be published on the
8 Department of Human Services' website in an appropriate
9 location, a minimum of one week prior to presentation of the
10 report to the General Assembly.

11 (d) As used in this Section:

12 "Trust Fund" means the Community Mental Health Medicaid
13 Trust Fund.

14 "Community mental health provider" means a community
15 agency that is funded by the Department to provide a service.

16 "Service" means a mental health service provided pursuant
17 to the provisions of administrative rules adopted by the
18 Department and funded by the Department of Human Services'
19 Division of Mental Health.

20 (Source: P.A. 94-58, eff. 6-17-05; 94-839, eff. 6-6-06; 95-707,
21 eff. 1-11-08.)

22 (20 ILCS 1705/18.5)

23 Sec. 18.5. Community Developmental Disability Services
24 Medicaid Trust Fund; reimbursement.

25 (a) The Community Developmental Disability Services

1 Medicaid Trust Fund is hereby created in the State treasury.

2 (b) Except as provided in subsection (b-5), any funds ~~in~~
3 ~~excess of \$16,700,000~~ in any fiscal year paid to the State by
4 the federal government under Title XIX or Title XXI of the
5 Social Security Act for services delivered by community
6 developmental disability services providers for services
7 relating to Developmental Training and Community Integrated
8 Living Arrangements as a result of the conversion of such
9 providers from a grant payment methodology to a fee-for-service
10 payment methodology, or any other funds paid to the State for
11 any subsequent revenue maximization initiatives performed by
12 such providers, and any interest earned thereon, shall be
13 deposited directly into the Community Developmental Disability
14 Services Medicaid Trust Fund. ~~One third of this amount shall be~~
15 ~~used only~~ to pay for Medicaid-reimbursed community
16 developmental disability services provided to eligible
17 individuals, ~~and the remainder shall be transferred to the~~
18 ~~General Revenue Fund.~~

19 (b-5) Beginning in State fiscal year 2008, any funds paid
20 to the State by the federal government under Title XIX or Title
21 XXI of the Social Security Act for services delivered through
22 the Children's Residential Waiver and the Children's In-Home
23 Support Waiver shall be deposited directly into the ~~Community~~
24 ~~Developmental Disability Services Medicaid~~ Trust Fund and
25 shall not be subject to the transfer provisions of subsection
26 (b).

1 (b-10) The Community Developmental Disability Services
2 Medicaid Trust Fund is not subject to sweeps, administrative
3 charge-backs, including but not limited to, those authorized
4 under Section 8h of the State Finance Act, or any other fiscal
5 or budgetary maneuver that would in any way transfer any funds
6 from the Trust Fund into any other fund of the State, except as
7 provided in this Section.

8 (b-15) The Department of Human Services shall annually
9 report to the Governor and the General Assembly, by September
10 1, on both the total revenue deposited into the Trust Fund and
11 the total expenditures made from the Trust Fund for the
12 previous fiscal year. This report shall include detailed
13 descriptions of both revenues and expenditures regarding the
14 Trust Fund from the previous fiscal year. This report shall be
15 presented by the Secretary of Human Services to the appropriate
16 Appropriations Committee in the House of Representatives, as
17 determined by the Speaker of the House, and in the Senate, as
18 determined by the President of the Senate. This report shall be
19 made available to the public and shall be published on the
20 Department of Human Services' website in an appropriate
21 location, a minimum of one week prior to presentation of the
22 report to the General Assembly.

23 (c) For purposes of this Section:

24 "Trust Fund" means the Community Developmental Disability
25 Services Medicaid Trust Fund.

26 "Medicaid-reimbursed developmental disability services"

1 means services provided by a community developmental
2 disability provider under an agreement with the Department that
3 is eligible for reimbursement under the federal Title XIX
4 program or Title XXI program.

5 "Provider" means a qualified entity as defined in the
6 State's Home and Community-Based Services Waiver for Persons
7 with Developmental Disabilities that is funded by the
8 Department to provide a Medicaid-reimbursed service.

9 "Revenue maximization alternatives" do not include
10 increases in funds paid to the State as a result of growth in
11 spending through service expansion or rate increases.

12 (Source: P.A. 95-707, eff. 1-11-08.)

13 Section 10. The State Finance Act is amended by changing
14 Section 8h as follows:

15 (30 ILCS 105/8h)

16 Sec. 8h. Transfers to General Revenue Fund.

17 (a) Except as otherwise provided in this Section and
18 Section 8n of this Act, and notwithstanding any other State law
19 to the contrary, the Governor may, through June 30, 2007, from
20 time to time direct the State Treasurer and Comptroller to
21 transfer a specified sum from any fund held by the State
22 Treasurer to the General Revenue Fund in order to help defray
23 the State's operating costs for the fiscal year. The total
24 transfer under this Section from any fund in any fiscal year

1 shall not exceed the lesser of (i) 8% of the revenues to be
2 deposited into the fund during that fiscal year or (ii) an
3 amount that leaves a remaining fund balance of 25% of the July
4 1 fund balance of that fiscal year. In fiscal year 2005 only,
5 prior to calculating the July 1, 2004 final balances, the
6 Governor may calculate and direct the State Treasurer with the
7 Comptroller to transfer additional amounts determined by
8 applying the formula authorized in Public Act 93-839 to the
9 funds balances on July 1, 2003. No transfer may be made from a
10 fund under this Section that would have the effect of reducing
11 the available balance in the fund to an amount less than the
12 amount remaining unexpended and unreserved from the total
13 appropriation from that fund estimated to be expended for that
14 fiscal year. This Section does not apply to any funds that are
15 restricted by federal law to a specific use, to any funds in
16 the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the
17 Hospital Provider Fund, the Medicaid Provider Relief Fund, the
18 Teacher Health Insurance Security Fund, the Reviewing Court
19 Alternative Dispute Resolution Fund, the Voters' Guide Fund,
20 the Foreign Language Interpreter Fund, the Lawyers' Assistance
21 Program Fund, the Supreme Court Federal Projects Fund, the
22 Supreme Court Special State Projects Fund, the Supplemental
23 Low-Income Energy Assistance Fund, the Good Samaritan Energy
24 Trust Fund, the Low-Level Radioactive Waste Facility
25 Development and Operation Fund, the Horse Racing Equity Trust
26 Fund, the Metabolic Screening and Treatment Fund, or the

1 Hospital Basic Services Preservation Fund, or to any funds to
2 which Section 70-50 of the Nurse Practice Act applies. No
3 transfers may be made under this Section from the Pet
4 Population Control Fund. Notwithstanding any other provision
5 of this Section, for fiscal year 2004, the total transfer under
6 this Section from the Road Fund or the State Construction
7 Account Fund shall not exceed the lesser of (i) 5% of the
8 revenues to be deposited into the fund during that fiscal year
9 or (ii) 25% of the beginning balance in the fund. For fiscal
10 year 2005 through fiscal year 2007, no amounts may be
11 transferred under this Section from the Road Fund, the State
12 Construction Account Fund, the Criminal Justice Information
13 Systems Trust Fund, the Wireless Service Emergency Fund, or the
14 Mandatory Arbitration Fund.

15 In determining the available balance in a fund, the
16 Governor may include receipts, transfers into the fund, and
17 other resources anticipated to be available in the fund in that
18 fiscal year.

19 The State Treasurer and Comptroller shall transfer the
20 amounts designated under this Section as soon as may be
21 practicable after receiving the direction to transfer from the
22 Governor.

23 (a-5) Transfers directed to be made under this Section on
24 or before February 28, 2006 that are still pending on May 19,
25 2006 (the effective date of Public Act 94-774) shall be
26 redirected as provided in Section 8n of this Act.

1 (b) This Section does not apply to: (i) the Ticket For The
2 Cure Fund; (ii) any fund established under the Community Senior
3 Services and Resources Act; or (iii) on or after January 1,
4 2006 (the effective date of Public Act 94-511), the Child Labor
5 and Day and Temporary Labor Enforcement Fund.

6 (c) This Section does not apply to the Demutualization
7 Trust Fund established under the Uniform Disposition of
8 Unclaimed Property Act.

9 (d) This Section does not apply to moneys set aside in the
10 Illinois State Podiatric Disciplinary Fund for podiatric
11 scholarships and residency programs under the Podiatric
12 Scholarship and Residency Act.

13 (e) Subsection (a) does not apply to, and no transfer may
14 be made under this Section from, the Pension Stabilization
15 Fund.

16 (f) Subsection (a) does not apply to, and no transfer may
17 be made under this Section from, the Illinois Power Agency
18 Operations Fund, the Illinois Power Agency Facilities Fund, the
19 Illinois Power Agency Debt Service Fund, and the Illinois Power
20 Agency Trust Fund.

21 (g) This Section does not apply to the Veterans Service
22 Organization Reimbursement Fund.

23 (h) This Section does not apply to the Supreme Court
24 Historic Preservation Fund.

25 (i) This Section does not apply to, and no transfer may be
26 made under this Section from, the Money Follows the Person

1 Budget Transfer Fund.

2 (j) This Section does not apply to the Community Mental
3 Health Medicaid Trust Fund or the Community Developmental
4 Disability Services Medicaid Trust Fund.

5 (Source: P.A. 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511,
6 eff. 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05;
7 94-645, eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff.
8 11-2-05; 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773,
9 eff. 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06;
10 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-410, eff.
11 8-24-07; 95-481, eff. 8-28-07; 95-629, eff. 9-25-07; 95-639,
12 eff. 10-5-07; 95-695, eff. 11-5-07; 95-744, eff. 7-18-08;
13 95-876, eff. 8-21-08.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.