

SB3690



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3690

Introduced 2/10/2012, by Sen. Dan Kotowski

SYNOPSIS AS INTRODUCED:

15 ILCS 20/50-30

Amends the State Budget Law of the Civil Administrative Code of Illinois. Requires the long-term care rebalancing initiative to take into account the costs associated with caring for medically compromised, frail older adults who need institutional care, as well as the costs associated with providing support services for higher functioning, less medically compromised older adults who are able to live independently in the community. Effective immediately.

LRB097 19413 JDS 64666 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 State Budget Law of the Civil Administrative
5 Code of Illinois is amended by changing Section 50-30 as
6 follows:

7 (15 ILCS 20/50-30)

8 Sec. 50-30. Long-term care rebalancing. In light of the
9 increasing demands confronting the State in meeting the needs
10 of individuals utilizing long-term care services under the
11 medical assistance program and any other long-term care related
12 benefit program administered by the State, it is the intent of
13 the General Assembly to address the needs of both the State and
14 the individuals eligible for such services by cost effective
15 and efficient means through the advancement of a long-term care
16 rebalancing initiative. Notwithstanding any State law to the
17 contrary, and subject to federal laws, regulations, and court
18 decrees, the following shall apply to the long-term care
19 rebalancing initiative:

20 (1) "Long-term care rebalancing", as used in this
21 Section, means removing barriers to community living for
22 people of all ages with disabilities and long-term
23 illnesses by offering individuals utilizing long-term care

1 services a reasonable array of options, in particular
2 adequate choices of community and institutional options,
3 to achieve a balance between the proportion of total
4 Medicaid long-term support expenditures used for
5 institutional services and those used for community-based
6 supports, taking into account the relative costs
7 associated with caring for medically compromised, frail
8 older adults who need institutional care and the costs
9 associated with providing support services to higher
10 functioning, less medically compromised older adults who
11 are able to live independently in the community.

12 (2) Subject to the provisions of this Section, the
13 Governor shall create a unified budget report identifying
14 the budgets of all State agencies offering long-term care
15 services to persons in either institutional or community
16 settings, including the budgets of State-operated
17 facilities for persons with developmental disabilities
18 that shall include, but not be limited to, the following
19 service and financial data:

20 (A) A breakdown of long-term care services,
21 defined as institutional or community care, by the
22 State agency primarily responsible for administration
23 of the program.

24 (B) Actual and estimated enrollment, caseload,
25 service hours, or service days provided for long-term
26 care services described in a consistent format for

1 those services, for each of the following age groups:
2 older adults 65 years of age and older, younger adults
3 21 years of age through 64 years of age, and children
4 under 21 years of age.

5 (C) Funding sources for long-term care services.

6 (D) Comparison of service and expenditure data, by
7 services, both in aggregate and per person enrolled.

8 (3) For each fiscal year, the unified budget report
9 described in subdivision (2) shall be prepared with
10 reference to the prioritized outcomes for that fiscal year
11 contemplated by Sections 50-5 and 50-25 of this Code.

12 (4) Each State agency responsible for the
13 administration of long-term care services shall provide an
14 analysis of the progress being made by the agency to
15 transition persons from institutional to community
16 settings, where appropriate, as part of the State's
17 long-term care rebalancing initiative.

18 (5) The Governor may designate amounts set aside for
19 institutional services appropriated from the General
20 Revenue Fund or any other State fund that receives monies
21 for long-term care services to be transferred to all State
22 agencies responsible for the administration of
23 community-based long-term care programs, including, but
24 not limited to, community-based long-term care programs
25 administered by the Department of Healthcare and Family
26 Services, the Department of Human Services, and the

1 Department on Aging, provided that the Director of
2 Healthcare and Family Services first certifies that the
3 amounts being transferred are necessary for the purpose of
4 assisting persons in or at risk of being in institutional
5 care to transition to community-based settings, including
6 the financial data needed to prove the need for the
7 transfer of funds. The total amounts transferred shall not
8 exceed 4% in total of the amounts appropriated from the
9 General Revenue Fund or any other State fund that receives
10 monies for long-term care services for each fiscal year. A
11 notice of the fund transfer must be made to the General
12 Assembly and posted at a minimum on the Department of
13 Healthcare and Family Services website, the Governor's
14 Office of Management and Budget website, and any other
15 website the Governor sees fit. These postings shall serve
16 as notice to the General Assembly of the amounts to be
17 transferred. Notice shall be given at least 30 days prior
18 to transfer.

19 (6) This Section shall be liberally construed and
20 interpreted in a manner that allows the State to advance
21 its long-term care rebalancing initiatives.

22 (Source: P.A. 96-1501, eff. 1-25-11.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.