



Sen. Michael E. Hastings

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LRB098 05040 RLC 57094 a

1 AMENDMENT TO SENATE BILL 822

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 822, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

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

8 (20 ILCS 1705/18.4)

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

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

13 (b) Amounts paid to the State during each State fiscal year  
14 by the federal government under Title XIX or Title XXI of the  
15 Social Security Act for services delivered by community mental  
16 health providers, and any interest earned thereon, shall be

1 deposited 100% into the Community Mental Health Medicaid Trust  
2 Fund. Not more than \$4,500,000 of the Community Mental Health  
3 Medicaid Trust Fund may be used by the Department of Human  
4 Services' Division of Mental Health for oversight and  
5 administration of community mental health services, and of that  
6 amount no more than \$1,000,000 may be used for the support of  
7 community mental health service initiatives. The remainder  
8 shall be used for the purchase of community mental health  
9 services.

10 (b-5) Whenever a State mental health facility operated by  
11 the Department is closed and the real estate on which the  
12 facility is located is sold by the State, the net proceeds of  
13 the sale of the real estate shall be deposited into the  
14 Community Mental Health Medicaid Trust Fund and used for the  
15 purposes enumerated in subsections (c) and (c-1) of Section 4.6  
16 of the Community Services Act; however, under subsection (e) of  
17 Section 4.6 of the Community Services Act, the Department may  
18 set aside a portion of the net proceeds of the sale of the real  
19 estate for deposit into the Human Services Priority Capital  
20 Program Fund. The portion set aside shall be used for the  
21 purposes enumerated in Section 6z-71 of the State Finance Act.

22 (c) The Department shall reimburse community mental health  
23 providers for services provided to eligible individuals.  
24 Moneys in the Trust Fund may be used for that purpose.

25 (c-5) The Community Mental Health Medicaid Trust Fund is  
26 not subject to administrative charge-backs.

1 (c-10) The Department of Human Services shall annually  
2 report to the Governor and the General Assembly, by September  
3 1, on both the total revenue deposited into the Trust Fund and  
4 the total expenditures made from the Trust Fund for the  
5 previous fiscal year. This report shall include detailed  
6 descriptions of both revenues and expenditures regarding the  
7 Trust Fund from the previous fiscal year. This report shall be  
8 presented by the Secretary of Human Services to the appropriate  
9 Appropriations Committee in the House of Representatives, as  
10 determined by the Speaker of the House, and in the Senate, as  
11 determined by the President of the Senate. This report shall be  
12 made available to the public and shall be published on the  
13 Department of Human Services' website in an appropriate  
14 location, a minimum of one week prior to presentation of the  
15 report to the General Assembly.

16 (d) As used in this Section:

17 "Trust Fund" means the Community Mental Health Medicaid  
18 Trust Fund.

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

21 "Service" means a mental health service provided pursuant  
22 to the provisions of administrative rules adopted by the  
23 Department and funded by or claimed through the Department of  
24 Human Services' Division of Mental Health.

25 (Source: P.A. 96-660, eff. 8-25-09; 96-820, eff. 11-18-09;  
26 96-868, eff. 7-1-12; 97-333, eff. 8-12-11.)

1 (20 ILCS 1705/18.5)

2 Sec. 18.5. Community Developmental Disability Services  
3 Medicaid Trust Fund; reimbursement.

4 (a) The Community Developmental Disability Services  
5 Medicaid Trust Fund is hereby created in the State treasury.

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

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

1 subsection (b).

2 (b-7) The Community Developmental Disability Services  
3 Medicaid Trust Fund is not subject to administrative  
4 charge-backs.

5 (b-9) The Department of Human Services shall annually  
6 report to the Governor and the General Assembly, by September  
7 1, on both the total revenue deposited into the Trust Fund and  
8 the total expenditures made from the Trust Fund for the  
9 previous fiscal year. This report shall include detailed  
10 descriptions of both revenues and expenditures regarding the  
11 Trust Fund from the previous fiscal year. This report shall be  
12 presented by the Secretary of Human Services to the appropriate  
13 Appropriations Committee in the House of Representatives, as  
14 determined by the Speaker of the House, and in the Senate, as  
15 determined by the President of the Senate. This report shall be  
16 made available to the public and shall be published on the  
17 Department of Human Services' website in an appropriate  
18 location, a minimum of one week prior to presentation of the  
19 report to the General Assembly.

20 (b-10) Whenever a State developmental disabilities  
21 facility operated by the Department is closed and the real  
22 estate on which the facility is located is sold by the State,  
23 the net proceeds of the sale of the real estate shall be  
24 deposited into the Community Developmental Disability Services  
25 Medicaid Trust Fund and used for the purposes enumerated in  
26 subsections (c) and (d) of Section 4.6 of the Community

1 Services Act; however, under subsection (e) of Section 4.6 of  
2 the Community Services Act, the Department may set aside a  
3 portion of the net proceeds of the sale of the real estate for  
4 deposit into the Human Services Priority Capital Program Fund.  
5 The portion set aside shall be used for the purposes enumerated  
6 in Section 6z-71 of the State Finance Act.

7 (c) For purposes of this Section:

8 "Trust Fund" means the Community Developmental Disability  
9 Services Medicaid Trust Fund.

10 "Medicaid-reimbursed developmental disability services"  
11 means services provided by a community developmental  
12 disability provider under an agreement with the Department that  
13 is eligible for reimbursement under the federal Title XIX  
14 program or Title XXI program.

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

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

22 (Source: P.A. 96-660, eff. 8-25-09; 96-868, eff. 7-1-12.)

23 Section 10. The State Finance Act is amended by changing  
24 Section 6z-71 as follows:

1 (30 ILCS 105/6z-71)

2 Sec. 6z-71. Human Services Priority Capital Program Fund.  
3 The Human Services Priority Capital Program Fund is created as  
4 a special fund in the State treasury. Subject to appropriation,  
5 the Department of Human Services shall use moneys in the Human  
6 Services Priority Capital Program Fund to make grants to the  
7 Illinois Facilities Fund, a not-for-profit corporation, to  
8 make long term below market rate loans to nonprofit human  
9 service providers working under contract to the State of  
10 Illinois to assist those providers in meeting their capital  
11 needs. The loans shall be for the purpose of such capital  
12 needs, including but not limited to special use facilities,  
13 requirements for serving the disabled, mentally ill, or  
14 substance abusers, and medical and technology equipment. Loan  
15 repayments shall be deposited into the Human Services Priority  
16 Capital Program Fund. Interest income may be used to cover  
17 expenses of the program. The Illinois Facilities Fund shall  
18 report to the Department of Human Services and the General  
19 Assembly by April 1, 2008, and again by April 1, 2009, as to  
20 the use and earnings of the program.

21 A portion of the proceeds from the sale of a mental health  
22 facility or developmental disabilities facility operated by  
23 the Department of Human Services may be deposited into the Fund  
24 and may be used for the purposes described in this Section.

25 (Source: P.A. 95-707, eff. 1-11-08; 95-744, eff. 7-18-08.)

1 Section 15. The Community Services Act is amended by  
2 changing Section 4.6 as follows:

3 (405 ILCS 30/4.6)

4 Sec. 4.6. Closure and sale of State mental health or  
5 developmental disabilities facility.

6 (a) Whenever a State mental health facility operated by the  
7 Department of Human Services is closed and the real estate on  
8 which the facility is located is sold by the State, then, to  
9 the extent that net proceeds are realized from the sale of that  
10 real estate, those net proceeds must be used for mental health  
11 services or to support mental health services ~~directed toward~~  
12 ~~providing other services and supports for persons with mental~~  
13 ~~health needs~~. To that end, those net proceeds shall be  
14 deposited into the Community Mental Health Medicaid Trust Fund.  
15 The net proceeds from the sale of a State mental health  
16 facility may be spent over a number of fiscal years and are not  
17 required to be spent in the same fiscal year in which they are  
18 deposited.

19 (b) Whenever a State developmental disabilities facility  
20 operated by the Department of Human Services is closed and the  
21 real estate on which the facility is located is sold by the  
22 State, then, to the extent that net proceeds are realized from  
23 the sale of that real estate, those net proceeds must be  
24 directed toward providing other services and supports for  
25 persons with developmental disabilities needs. To that end,



1 those net proceeds shall be deposited into the Community  
2 Developmental Disability Services Medicaid Trust Fund. The net  
3 proceeds from the sale of a State developmental disabilities  
4 facility may be spent over a number of fiscal years and are not  
5 required to be spent in the same fiscal year in which they are  
6 deposited.

7 (c) The sale of a State mental health or developmental  
8 disabilities facility shall be done in accordance with  
9 applicable State laws and, if a State mental health or  
10 developmental disabilities facility to be sold has been  
11 financed or refinanced with tax-exempt bonds, applicable  
12 federal laws. In determining whether any net proceeds are  
13 realized from a sale of real estate described in subsection (a)  
14 or (b), the Division of Developmental Disabilities and the  
15 Division of Mental Health of the Department of Human Services  
16 shall each first determine the money, if any, that shall be  
17 made available for infrastructure not to exceed 25% of the  
18 proceeds of the sale of the real estate to ensure that life,  
19 safety, and care concerns, ~~including infrastructure,~~ are  
20 addressed so as to provide for persons with developmental  
21 disabilities or mental illness at the remaining respective  
22 State-operated facilities ~~that will be expected to serve the~~  
23 ~~individuals previously served at the closed facility.~~ That  
24 amount shall be excluded from the calculation of net proceeds  
25 by the Division of Developmental Disabilities or the Division  
26 of Mental Health, or both, of the Department of Human Services.

1 Amounts determined by the Department for infrastructure to be  
2 necessary to ensure that life, safety, and care concerns are  
3 addressed, shall be deposited, respectively, into the  
4 Community Mental Health Medicaid Trust Fund or the Community  
5 Developmental Disability Services Medicaid Trust Fund.

6 (c-1) To the extent that a State mental health facility  
7 which has been closed served a geographical area, at minimum,  
8 40% of the resulting net proceeds of its sale shall be made  
9 exclusively in the facility's geographical area. If any other  
10 State-operated mental health facility which served a specific  
11 geographic area was closed within one year before or after the  
12 closure of the facility whose sale has resulted in net proceeds  
13 under this Section, 20% of the proceeds shall be used to  
14 provide services in the geographic area of this facility. The  
15 remainder of the net proceeds may be spent anywhere in the  
16 State. All net proceeds may be used for the following mental  
17 health services and supports, to include, but not limited to:

18 (1) Permanent Supportive housing.

19 (2) Technology that enables behavioral health  
20 providers to participate in health information exchanges.

21 (3) Assertive Community Treatment and Community  
22 Support Team.

23 (4) Transitional living apartments.

24 (5) Crisis residential services targeted at diverting  
25 persons with mental illnesses from emergency departments,  
26 (including peer run crisis services).

1           (6) Psychiatric services.

2           (7) Community mental health services targeted at  
3 diverting persons with mental illness from the criminal  
4 justice system.

5           (8) Individual Placement and Support and other  
6 services to support employment.

7           (9) Alcohol and substance abuse treatment.

8           (d) The purposes for which the net proceeds from a sale of  
9 real estate as provided in subsection (b) of this Section may  
10 be used include, but are not limited to, the following:

11           (1) Providing individuals with developmental  
12 disabilities community-based Medicaid services and  
13 supports such as residential habilitation, day programs,  
14 supported employment, home-based supports, therapies,  
15 adaptive equipment, and home modifications.

16           (2) Assisting individuals with developmental  
17 disabilities through case management, service  
18 coordination, and assessments.

19           (3) Strengthening the service delivery system through  
20 crisis intervention services.

21           (4) Enhancing the service delivery system through  
22 infrastructure improvements, including technology  
23 improvements.

24           ~~(1) Providing for individuals with developmental~~  
25 ~~disabilities and mental health needs the services and~~  
26 ~~supports described in subsection (e) of Section 4.4.~~

1           ~~(2) In the case of the closure of a mental health~~  
2           ~~facility, the construction of a new facility to serve the~~  
3           ~~needs of persons with mental health needs.~~

4           ~~(3) In the case of the closure of a developmental~~  
5           ~~disabilities facility, construction of a new facility to~~  
6           ~~serve the needs of persons with developmental disabilities~~  
7           ~~needs.~~

8           (e) Whenever any net proceeds are realized from a sale of  
9           real estate as provided in this Section, the Department of  
10          Human Services shall share and discuss its plan or plans for  
11          using those net proceeds with advocates, advocacy  
12          organizations, and advisory groups whose mission includes  
13          advocacy for persons with developmental disabilities or  
14          persons with mental illness.

15          (f) Consistent with the provisions of Sections 4.4 and 4.5  
16          of this Act, whenever a State mental health facility operated  
17          by the Department of Human Services is closed, the Department  
18          of Human Services, at the direction of the Governor, shall  
19          transfer funds from the closed facility to the appropriate line  
20          item providing appropriation authority for the new venue of  
21          care to facilitate the transition of services to the new venue  
22          of care, provided that the new venue of care is a Department of  
23          Human Services funded provider or facility.

24          (g) As used in this Section, the term "mental health  
25          facility" has the meaning ascribed to that term in the Mental  
26          Health and Developmental Disabilities Code.

1 (Source: P.A. 98-403, eff. 1-1-14.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.".