

1 AN ACT concerning public aid.

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

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Section 5-5.01a as follows:

6 (305 ILCS 5/5-5.01a)

7 Sec. 5-5.01a. Supportive living facilities program.

8 (a) The Department shall establish and provide oversight
9 for a program of supportive living facilities that seek to
10 promote resident independence, dignity, respect, and
11 well-being in the most cost-effective manner.

12 A supportive living facility is (i) ~~either~~ a free-standing
13 facility or (ii) a distinct physical and operational entity
14 within a mixed-use building that meets the criteria established
15 in subsection (d) ~~nursing facility~~. A supportive living
16 facility integrates housing with health, personal care, and
17 supportive services and is a designated setting that offers
18 residents their own separate, private, and distinct living
19 units.

20 Sites for the operation of the program shall be selected by
21 the Department based upon criteria that may include the need
22 for services in a geographic area, the availability of funding,
23 and the site's ability to meet the standards.

1 **(b)** Beginning July 1, 2014, subject to federal approval,
2 the Medicaid rates for supportive living facilities shall be
3 equal to the supportive living facility Medicaid rate effective
4 on June 30, 2014 increased by 8.85%. Once the assessment
5 imposed at Article V-G of this Code is determined to be a
6 permissible tax under Title XIX of the Social Security Act, the
7 Department shall increase the Medicaid rates for supportive
8 living facilities effective on July 1, 2014 by 9.09%. The
9 Department shall apply this increase retroactively to coincide
10 with the imposition of the assessment in Article V-G of this
11 Code in accordance with the approval for federal financial
12 participation by the Centers for Medicare and Medicaid
13 Services.

14 The Medicaid rates for supportive living facilities
15 effective on July 1, 2017 must be equal to the rates in effect
16 for supportive living facilities on June 30, 2017 increased by
17 2.8%.

18 **(c)** The Department may adopt rules to implement this
19 Section. Rules that establish or modify the services,
20 standards, and conditions for participation in the program
21 shall be adopted by the Department in consultation with the
22 Department on Aging, the Department of Rehabilitation
23 Services, and the Department of Mental Health and Developmental
24 Disabilities (or their successor agencies).

25 **(d)** Subject to federal approval by the Centers for Medicare
26 and Medicaid Services, the Department shall accept for

1 consideration of certification under the program any
2 application for a site or building where distinct parts of the
3 site or building are designated for purposes other than the
4 provision of supportive living services, but only if:

5 (1) those distinct parts of the site or building are
6 not designated for the purpose of providing assisted living
7 services as required under the Assisted Living and Shared
8 Housing Act;

9 (2) those distinct parts of the site or building are
10 completely separate from the part of the building used for
11 the provision of supportive living program services,
12 including separate entrances;

13 (3) those distinct parts of the site or building do not
14 share any common spaces with the part of the building used
15 for the provision of supportive living program services;
16 and

17 (4) those distinct parts of the site or building do not
18 share staffing with the part of the building used for the
19 provision of supportive living program services.

20 (e) Facilities or distinct parts of facilities which are
21 selected as supportive living facilities and are in good
22 standing with the Department's rules are exempt from the
23 provisions of the Nursing Home Care Act and the Illinois Health
24 Facilities Planning Act.

25 (Source: P.A. 100-23, eff. 7-6-17.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.