

# SB2343



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2343

Introduced 2/10/2023, by Sen. Sara Feigenholtz

### SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-5.4e

Amends the Medical Assistance Article of the Illinois Public Aid Code. Provides that for dates of service on and after July 1, 2023, the Department of Healthcare and Family Services shall set the per diem ventilator rate for skilled nursing facilities at a rate equal to the exceptional care per diem rate established for medically complex for the developmentally disabled facilities licensed under the MC/DD Act. Effective immediately.

LRB103 30771 KTG 57255 b

A BILL FOR

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 5-5.4e as follows:

6 (305 ILCS 5/5-5.4e)

7 Sec. 5-5.4e. Nursing facilities; ventilator rates. On and  
8 after October 1, 2009, the Department of Healthcare and Family  
9 Services shall adopt rules to provide medical assistance  
10 reimbursement under this Article for the care of persons on  
11 ventilators in skilled nursing facilities licensed under the  
12 Nursing Home Care Act and certified to participate under the  
13 medical assistance program. Accordingly, necessary amendments  
14 to the rules implementing the Minimum Data Set (MDS) payment  
15 methodology shall also be made to provide a separate per diem  
16 ventilator rate based on days of service. The Department may  
17 adopt rules necessary to implement this amendatory Act of the  
18 96th General Assembly through the use of emergency rulemaking  
19 in accordance with Section 5-45 of the Illinois Administrative  
20 Procedure Act, except that the 24-month limitation on the  
21 adoption of emergency rules under Section 5-45 and the  
22 provisions of Sections 5-115 and 5-125 of that Act do not apply  
23 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 On and after July 1, 2012, the Department shall reduce any  
6 rate of reimbursement for services or other payments or alter  
7 any methodologies authorized by this Code to reduce any rate  
8 of reimbursement for services or other payments in accordance  
9 with Section 5-5e.

10 For dates of service on and after July 1, 2023, the  
11 Department shall set the per diem ventilator rate for skilled  
12 nursing facilities at a rate equal to the exceptional care per  
13 diem rate established under Section 5-5.4h for medically  
14 complex for the developmentally disabled facilities licensed  
15 under the MC/DD Act.

16 (Source: P.A. 96-743, eff. 8-25-09; 97-689, eff. 6-14-12.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.