

# HB3374



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3374

by Rep. Elgie R. Sims, Jr.

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-5.4g

Amends the Medical Assistance Article of the Illinois Public Aid Code. In a provision permitting a nursing facility to appeal a change in its Minimum Data Set rate, provides that the facility shall be permitted to offer any and all additional documentation during the appeal hearing that is necessary to refute the State's findings (rather than the facility may not offer any additional documentation during the appeal hearing, but may identify documentation provided during the on-site review that may support a specific area of documentation deemed deficient by the Department of Healthcare and Family Services).

LRB100 09920 KTG 20091 b

FISCAL NOTE ACT  
MAY APPLY

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 5-5.4g as follows:

6 (305 ILCS 5/5-5.4g)

7 Sec. 5-5.4g. Minimum Data Set (MDS) Compliance Review;  
8 preliminary findings. The Department shall establish by rule a  
9 procedure for sharing preliminary Minimum Data Set (MDS)  
10 Compliance Review findings with nursing facilities prior to  
11 completion of the on-site review. The procedure shall include,  
12 but not be limited to, notification to a nursing facility of  
13 specific areas of missing documentation required under 89 Ill.  
14 Adm. Code 147.75 and the federally mandated resident assessment  
15 instrument as specified in 42 CFR 483.20 likely to be  
16 determined deficient upon conclusion of the Department's  
17 quality assurance review process. Prior to the conclusion of  
18 the on-site review, the facility shall be given the opportunity  
19 to address the specific areas of missing documentation. A  
20 facility disputing any rate change may submit an appeal request  
21 pursuant to provisions established at 89 Ill. Adm. Code  
22 140.830. An appeal hearing may be requested if the facility  
23 believes that the basis for reducing the facility's MDS rate

1 was in error. The facility shall be permitted to ~~may not~~ offer  
2 any and all additional documentation during the appeal hearing  
3 that is necessary to refute the State's findings. ~~, but may~~  
4 ~~identify documentation provided during the on-site review that~~  
5 ~~may support a specific area of documentation deemed deficient~~  
6 ~~by the Department.~~

7 (Source: P.A. 96-1317, eff. 7-27-10; 97-333, eff. 8-12-11.)