



Rep. Greg Harris

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10200HB4238ham001

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1 AMENDMENT TO HOUSE BILL 4238

2 AMENDMENT NO. _____. Amend House Bill 4238 by replacing
3 everything after the enacting clause with the following:

4 "Article 5.

5 Section 5-1. Short title. This Article may be cited as the
6 Rebuild Illinois Mental Health Workforce Act. References in
7 this Article to "this Act" mean this Article.

8 Section 5-5. Purpose. The purpose of this Act is to
9 preserve and expand access to Medicaid community mental health
10 care in Illinois to prevent unnecessary hospitalizations and
11 avoid the criminalization of mental health conditions.

12 Section 5-10. Medicaid funding for community mental health
13 services. Medicaid funding for the specific community mental
14 health services listed in this Act shall be adjusted and paid

1 as set forth in this Act. Such payments shall be paid in
2 addition to the base Medicaid reimbursement rate per service
3 unit. The payment adjustments shall begin on July 1, 2022 for
4 State Fiscal Year 2023 and shall continue for every State
5 fiscal year thereafter.

6 (1) Individual Therapy Medicaid Add-on Payment for
7 services provided under the H0004 Code:

8 (A) The Medicaid add-on payment for individual
9 therapy provided by a qualified mental health
10 professional shall be increased by \$9 per service
11 unit, for a total add-on payment of \$15 per service
12 unit.

13 (B) A Medicaid add-on payment of \$9 per service
14 unit for individual therapy provided by a mental
15 health professional shall be established.

16 (2) Community Support - Individual Medicaid Add-on
17 Payment for services provided under the H2015 Code: All
18 community support - individual services shall receive a
19 Medicaid add-on payment equal to \$15 per service unit.

20 (3) Case Management Medicaid Add-on Payment for
21 services provided under the T1016 code: All case
22 management services shall receive a Medicaid add-on
23 payment equal to \$15 per service unit.

24 (4) Assertive Community Treatment Medicaid Add-on
25 Payment for services provided under the H0039 code: The
26 Medicaid add-on payment for assertive community treatment

1 services shall increase by \$8 per service unit, for a
2 total add-on payment of \$20 per service unit.

3 (5) Medicaid user-based directed payments.

4 (A) For each State fiscal year, a monthly directed
5 payment shall be paid to a community mental health
6 provider of community support team services based on
7 the number of Medicaid users of community support team
8 services documented by Medicaid fee-for-service and
9 managed care encounter claims delivered by that
10 provider in the base year. The Department of
11 Healthcare and Family Services shall make the monthly
12 directed payment to each provider entitled to directed
13 payments under this Act by no later than the last day
14 of each month throughout each State fiscal year.

15 (i) The monthly directed payment for a
16 community support team provider shall be
17 calculated as follows: The sum total number of
18 individual Medicaid users of community support
19 team services delivered by that provider
20 throughout the base year, multiplied by \$4,200 per
21 Medicaid user, divided into 12 equal monthly
22 payments for the State fiscal year.

23 (ii) As used in this subparagraph, "user"
24 means an individual who received at least 200
25 units of community support team services (H2016)
26 during the base year.

1 (B) For each State fiscal year, a monthly directed
2 payment shall be paid to each community mental health
3 provider of assertive community treatment services
4 based on the number of Medicaid users of assertive
5 community treatment services documented by Medicaid
6 fee-for-service and managed care encounter claims
7 delivered by the provider in the base year.

8 (i) The monthly direct payment for an
9 assertive community treatment provider shall be
10 calculated as follows: The sum total number of
11 Medicaid users of assertive community treatment
12 services provided by that provider throughout the
13 base year, multiplied by \$6,000 per Medicaid user,
14 divided into 12 equal monthly payments for that
15 State fiscal year.

16 (ii) As used in this subparagraph, "user"
17 means an individual that received at least 300
18 units of assertive community treatment services
19 during the base year.

20 (C) The base year for directed payments under this
21 Section shall be calendar year 2019 for State Fiscal
22 Year 2023 and State Fiscal Year 2024. For the State
23 fiscal year beginning on July 1, 2024, and for every
24 State fiscal year thereafter, the base year shall be
25 the calendar year that ended 18 months prior to the
26 start of the State fiscal year in which payments are

1 made.

2 Section 5-15. Applicable Medicaid services. The payments
3 listed in Section 5-10 shall apply to Medicaid services
4 provided through contracts with any Medicaid managed care
5 organization or entity and for Medicaid services paid for
6 directly by the Department of Healthcare and Family Services.

7 Section 5-20. Base Medicaid rates or add-on payments. No
8 base Medicaid rate or Medicaid rate add-on payment or any
9 other payment for the provision of Medicaid community mental
10 health services in place on July 1, 2021 shall be diminished or
11 changed to make the reimbursement changes required by this
12 Act. Any payments required under this Act that are delayed due
13 to implementation challenges or federal approval shall be made
14 retroactive to July 1, 2022 for the full amount required by
15 this Act regardless of the amount a provider bills Illinois'
16 Medical Assistance Program (via a Medicaid managed care
17 organization or the Department of Healthcare and Family
18 Services directly) for such services.

19 Section 5-25. Federal approval and Medicaid federal
20 financial participation. The Department of Healthcare and
21 Family Services shall submit any necessary application to the
22 federal Centers for Medicare and Medicaid Services immediately
23 following the effective date of this Act for purposes of

1 implementation of this Act. The payments required under this
2 Act shall only be required as long as Illinois receives
3 federal financial participation for such payments.

4 Article 10.

5 Section 10-1. Short title. This Article may be cited as
6 the Substance Use Disorder Rate Equity Act.

7 Section 10-5. Funding for licensed or certified
8 community-based substance use disorder treatment providers and
9 services. Beginning in State Fiscal Year 2023, and every State
10 fiscal year thereafter, the General Assembly shall appropriate
11 sufficient funds to the Department of Human Services for
12 reimbursement rates for licensed or certified community-based
13 substance use disorder treatment providers and services under
14 community service grant programs for persons with substance
15 use disorders, including, but not limited to, all of the
16 following services:

- 17 (1) Admission and Discharge Assessment.
- 18 (2) Level 1 (Individual).
- 19 (3) Level 1 (Group).
- 20 (4) Level 2 (Individual).
- 21 (5) Level 2 (Group).
- 22 (6) Case Management.
- 23 (7) Psychiatric Evaluation.

1 (8) Medication Assisted Recovery.

2 (9) Community Intervention.

3 (10) Early Intervention (Individual).

4 (11) Early Intervention (Group).

5 Reimbursement rates for such services shall be adjusted
6 upward by an amount equal to the Consumer Price Index-U from
7 the previous year, not to exceed 2% in any State fiscal year.
8 If there is a decrease in the Consumer Price Index-U, rates
9 shall remain unchanged for that State fiscal year. The
10 Department shall adopt rules, including emergency rules in
11 accordance with the Illinois Administrative Procedure Act, to
12 implement the provisions of this Section.

13 For the purposes of this Section, "consumer price index-u"
14 means the index published by the Bureau of Labor Statistics of
15 the United States Department of Labor that measures the
16 average change in prices of goods and services purchased by
17 all urban consumers, United States city average, all items,
18 1982-84 = 100.

19 Article 15.

20 Section 15-5. The Illinois Administrative Procedure Act is
21 amended by adding Section 5-45.21 as follows:

22 (5 ILCS 100/5-45.21 new)

23 Sec. 5-45.21. Emergency rulemaking; Departments of

1 Healthcare and Family Services and Human Services. To provide
2 for the expeditious and timely implementation of the Substance
3 Use Disorder Rate Equity Act, Section 55-30 of the Substance
4 Use Disorder Act, and Section 5-5.05a of the Illinois Public
5 Aid Code, emergency rules implementing the Substance Use
6 Disorder Rate Equity Act and changes made to Section 55-30 of
7 the Substance Use Disorder Act and Section 5-5.05a of the
8 Illinois Public Aid Code may be adopted in accordance with
9 Section 5-45 by the respective Department. The adoption of
10 emergency rules authorized by Section 5-45 and this Section is
11 deemed to be necessary for the public interest, safety, and
12 welfare.

13 This Section is repealed one year after the effective date
14 of this amendatory Act of the 102nd General Assembly.

15 Section 15-10. The Substance Use Disorder Act is amended
16 by changing Section 55-30 as follows:

17 (20 ILCS 301/55-30)

18 Sec. 55-30. Rate increase.

19 (a) The Department shall by rule develop the increased
20 rate methodology and annualize the increased rate beginning
21 with State fiscal year 2018 contracts to licensed providers of
22 community-based substance use disorder intervention or
23 treatment, based on the additional amounts appropriated for
24 the purpose of providing a rate increase to licensed

1 providers. The Department shall adopt rules, including
2 emergency rules under subsection (y) of Section 5-45 of the
3 Illinois Administrative Procedure Act, to implement the
4 provisions of this Section.

5 (b) (Blank). ~~Within 30 days after June 4, 2018 (the~~
6 ~~effective date of Public Act 100 587), the Division of~~
7 ~~Substance Use Prevention and Recovery shall apply an increase~~
8 ~~in rates of 3% above the rate paid on June 30, 2017 to all~~
9 ~~Medicaid and non-Medicaid reimbursable service rates. The~~
10 ~~Department shall adopt rules, including emergency rules under~~
11 ~~subsection (bb) of Section 5-45 of the Illinois Administrative~~
12 ~~Procedure Act, to implement the provisions of this subsection~~
13 ~~(b).~~

14 (c) Beginning on July 1, 2022, the Division of Substance
15 Use Prevention and Recovery shall increase reimbursement rates
16 for all community-based substance use disorder treatment and
17 intervention services by 47%, including, but not limited to,
18 all of the following:

19 (1) Admission and Discharge Assessment.

20 (2) Level 1 (Individual).

21 (3) Level 1 (Group).

22 (4) Level 2 (Individual).

23 (5) Level 2 (Group).

24 (6) Case Management.

25 (7) Psychiatric Evaluation.

26 (8) Medication Assisted Recovery.

1 (9) Community Intervention;

2 (10) Early Intervention (Individual).

3 (11) Early Intervention (Group).

4 Beginning in State Fiscal Year 2023, and every State
5 fiscal year thereafter, reimbursement rates for those
6 community-based substance use disorder treatment and
7 intervention services shall be adjusted upward by an amount
8 equal to the Consumer Price Index-U from the previous year,
9 not to exceed 2% in any State fiscal year. If there is a
10 decrease in the Consumer Price Index-U, rates shall remain
11 unchanged for that State fiscal year. The Department shall
12 adopt rules, including emergency rules in accordance with the
13 Illinois Administrative Procedure Act, to implement the
14 provisions of this Section.

15 As used in this subsection, "consumer price index-u" means
16 the index published by the Bureau of Labor Statistics of the
17 United States Department of Labor that measures the average
18 change in prices of goods and services purchased by all urban
19 consumers, United States city average, all items, 1982-84 =
20 100.

21 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
22 100-759, eff. 1-1-19; 101-81, eff. 7-12-19.)

23 Section 15-15. Illinois Public Aid Code is amended by
24 adding Section 5-45 as follows:

1 (305 ILCS 5/5-45 new)

2 Sec. 5-45. Reimbursement rates; substance use disorder
3 treatment providers and facilities. Beginning on July 1, 2022,
4 the Department of Human Services' Division of Substance Use
5 Prevention and Recovery in conjunction with the Department of
6 Healthcare and Family Services, shall provide for an increase
7 in reimbursement rates by way of an increase to existing rates
8 of 47% for all community-based substance use disorder
9 treatment services, including, but not limited to, all of the
10 following:

11 (1) Admission and Discharge Assessment.

12 (2) Level 1 (Individual).

13 (3) Level 1 (Group).

14 (4) Level 2 (Individual).

15 (5) Level 2 (Group).

16 (6) Psychiatric/Diagnostic.

17 (7) Medication Monitoring (Individual).

18 (8) Methadone as an Adjunct to Treatment.

19 No existing or future reimbursement rates or add-ons shall
20 be reduced or changed to address the rate increase proposed
21 under this Section. The Department of Healthcare and Family
22 Services shall immediately, no later than 3 months following
23 the effective date of this amendatory Act of the 102nd General
24 Assembly, submit any necessary application to the federal
25 Centers for Medicare and Medicaid Services for a waiver or
26 State Plan amendment to implement the requirements of this

1 Section. Beginning in State Fiscal year 2023, and every State
2 fiscal year thereafter, reimbursement rates for those
3 community-based substance use disorder treatment services
4 shall be adjusted upward by an amount equal to the Consumer
5 Price Index-U from the previous year, not to exceed 2% in any
6 State fiscal year. If there is a decrease in the Consumer Price
7 Index-U, rates shall remain unchanged for that State fiscal
8 year. The Department of Human Services shall adopt rules,
9 including emergency rules under Section 5-45.1 of the Illinois
10 Administrative Procedure Act, to implement the provisions of
11 this Section.

12 As used in this Section, "consumer price index-u" means
13 the index published by the Bureau of Labor Statistics of the
14 United States Department of Labor that measures the average
15 change in prices of goods and services purchased by all urban
16 consumers, United States city average, all items, 1982-84 =
17 100.

18 Article 99.

19 Section 99-999. Effective date. This Act takes effect upon
20 becoming law."