



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5017

Introduced 1/27/2022, by Rep. Debbie Meyers-Martin - Robyn Gabel

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-5.01a

Amends the Medical Assistance Article of the Illinois Public Aid Code. In provisions concerning applications to the Department of Healthcare and Family Services to obtain certification as a supportive living facility, provides that, to ensure all entities that are capable of providing supportive living services have the ability to apply to the Department, the criteria for selection shall be clear and transparent and the application to apply for the supportive living facilities program shall be publicly available. Provides that those entities whose applications are not accepted shall be informed why their applications were not accepted; and those entities inquiring about the application process who are told they should not apply shall be told the reason why they should not apply. Requires the Department to inform entities applying for certification or inquiring about the application process what, if anything, they can do to remedy their applications or inquiries so as to submit applications that are ultimately successful.

LRB102 23647 KTG 32829 b

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

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

23 To ensure that all entities that are capable of providing

1 supportive living services have the ability to apply to the
2 Department, the criteria for selection shall be clear and
3 transparent and the application to apply for the program shall
4 be publicly available. Those entities whose applications are
5 not accepted shall be informed why their applications were not
6 accepted. Those entities inquiring about the application
7 process who are told they should not apply shall be told the
8 reason why they should not apply. In either case, the
9 Department shall inform entities whose applications were
10 rejected or who make inquiries about the application process,
11 what, if anything, they can do to remedy their applications or
12 inquiries so as to submit applications that are ultimately
13 successful.

14 (b) Beginning July 1, 2014, subject to federal approval,
15 the Medicaid rates for supportive living facilities shall be
16 equal to the supportive living facility Medicaid rate
17 effective on June 30, 2014 increased by 8.85%. Once the
18 assessment imposed at Article V-G of this Code is determined
19 to be a permissible tax under Title XIX of the Social Security
20 Act, the Department shall increase the Medicaid rates for
21 supportive living facilities effective on July 1, 2014 by
22 9.09%. The Department shall apply this increase retroactively
23 to coincide with the imposition of the assessment in Article
24 V-G of this Code in accordance with the approval for federal
25 financial participation by the Centers for Medicare and
26 Medicaid Services.

1 The Medicaid rates for supportive living facilities
2 effective on July 1, 2017 must be equal to the rates in effect
3 for supportive living facilities on June 30, 2017 increased by
4 2.8%.

5 Subject to federal approval, the Medicaid rates for
6 supportive living services on and after July 1, 2019 must be at
7 least 54.3% of the average total nursing facility services per
8 diem for the geographic areas defined by the Department while
9 maintaining the rate differential for dementia care and must
10 be updated whenever the total nursing facility service per
11 diems are updated.

12 (c) The Department may adopt rules to implement this
13 Section. Rules that establish or modify the services,
14 standards, and conditions for participation in the program
15 shall be adopted by the Department in consultation with the
16 Department on Aging, the Department of Rehabilitation
17 Services, and the Department of Mental Health and
18 Developmental Disabilities (or their successor agencies).

19 (d) Subject to federal approval by the Centers for
20 Medicare and Medicaid Services, the Department shall accept
21 for consideration of certification under the program any
22 application for a site or building where distinct parts of the
23 site or building are designated for purposes other than the
24 provision of supportive living services, but only if:

25 (1) those distinct parts of the site or building are
26 not designated for the purpose of providing assisted

1 living services as required under the Assisted Living and
2 Shared Housing Act;

3 (2) those distinct parts of the site or building are
4 completely separate from the part of the building used for
5 the provision of supportive living program services,
6 including separate entrances;

7 (3) those distinct parts of the site or building do
8 not share any common spaces with the part of the building
9 used for the provision of supportive living program
10 services; and

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

14 (e) Facilities or distinct parts of facilities which are
15 selected as supportive living facilities and are in good
16 standing with the Department's rules are exempt from the
17 provisions of the Nursing Home Care Act and the Illinois
18 Health Facilities Planning Act.

19 (f) Section 9817 of the American Rescue Plan Act of 2021
20 (Public Law 117-2) authorizes a 10% enhanced federal medical
21 assistance percentage for supportive living services for a
22 12-month period from April 1, 2021 through March 31, 2022.
23 Subject to federal approval, including the approval of any
24 necessary waiver amendments or other federally required
25 documents or assurances, for a 12-month period the Department
26 must pay a supplemental \$26 per diem rate to all supportive

1 living facilities with the additional federal financial
2 participation funds that result from the enhanced federal
3 medical assistance percentage from April 1, 2021 through March
4 31, 2022. The Department may issue parameters around how the
5 supplemental payment should be spent, including quality
6 improvement activities. The Department may alter the form,
7 methods, or timeframes concerning the supplemental per diem
8 rate to comply with any subsequent changes to federal law,
9 changes made by guidance issued by the federal Centers for
10 Medicare and Medicaid Services, or other changes necessary to
11 receive the enhanced federal medical assistance percentage.
12 (Source: P.A. 101-10, eff. 6-5-19; 102-43, eff. 7-6-21.)