



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB0476

Introduced 2/23/2021, by Sen. Sara Feigenholtz

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Mental Health and Substance Use Disorder Rate Equity Act. Provides that, beginning in 2023, and every State fiscal year thereafter, the General Assembly shall appropriate sufficient funds to the Department of Human Services to ensure grants to community-based prevention organizations and providers of mental health and substance use disorder treatment under community service grant programs will be adjusted upward by an amount equal to the Consumer Price Index-U from the previous year, not to exceed 2% in any State fiscal year. Requires similar appropriations to be made, beginning in 2024, to increase the reimbursement rates for certified community mental health centers and behavioral health clinics and licensed or certified community-based substance use disorder treatment providers. Amends the Substance Use Disorder Act. Requires the Department of Human Services to implement incremental rate increases for all community-based substance use disorder treatment and intervention services beginning July 1, 2021 and every State fiscal year thereafter. Amends the Mental Health and Developmental Disabilities Administrative Act. Requires the Department to implement incremental rate increases for all community-based mental health treatment services beginning July 1, 2021 and every State fiscal year thereafter. Amends the Illinois Public Aid Code. Provides that, beginning on July 1, 2021, reimbursement rates for psychiatric and behavioral health services provided by community mental health centers or behavioral health clinics shall be increased by 9%. Requires incremental rate increases beginning July 1, 2022 and every State fiscal year thereafter. Amends the Illinois Administrative Procedure Act. Permits the Departments of Human Services and Healthcare and Family Services to adopt emergency rules. Effective immediately.

LRB102 15393 KTG 20756 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning mental health.

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

4 Section 1. Short title. This Act may be cited as the Mental  
5 Health and Substance Use Disorder Rate Equity Act.

6 Section 5. Findings. The General Assembly finds that:

7 (1) The immediate and direct impact of COVID-19 has  
8 already resulted in thousands of lives lost and significant  
9 incremental cost to the healthcare system.

10 (2) The impact of COVID-19 on child and family well-being  
11 is intergenerational and potentially long-lasting without  
12 appropriate intervention. Research by Child Trends  
13 demonstrates that parents' health is one of the strongest  
14 predictors of a child's health, and this effect is even more  
15 pronounced for low-income families. Addressing health and  
16 well-being across the life span is essential if Illinois is to  
17 recover from the pandemic.

18 (3) The rates of anxiety and depression for all  
19 populations have continued to rise since early June 2020,  
20 reaching all-time highs from July 16-21, with Latinx, Asian,  
21 Black, and multiracial groups expressing higher levels of  
22 symptoms than non-Hispanic whites, according to the U.S.  
23 Census Bureau and the Centers for Disease Control and

1 Prevention's National Center for Health Statistics.

2 (4) This surge of people experiencing acute behavioral  
3 health problems, both those with new symptoms and those with  
4 existing conditions, has the potential to further impact the  
5 healthcare system for years to come.

6 (5) Analysis shows that people with behavioral health  
7 diagnoses have around 4 times the average health care spending  
8 of those without, due to factors such as medical  
9 complications, reduced access to preventive care, and  
10 challenges with illness management.

11 (6) The federal Centers for Disease Control and Prevention  
12 has announced that 2020 will be a record year for drug overdose  
13 deaths due primarily to the COVID-19 pandemic with deaths due  
14 to opioids and other substances causing a dramatic and  
15 long-standing impact upon communities.

16 (7) The Department of Healthcare and Family Services has a  
17 standard measure that one in 5 Medicaid enrollees have  
18 behavioral health issues, a measure which yields approximately  
19 82,100 new clients with mental health or addiction treatment  
20 needs in 2020.

21 (8) During the COVID-19 pandemic, the social distancing  
22 and stay-at-home orders have caused isolation, depression, and  
23 a dramatic increase in reliance upon alcohol and other  
24 substances. There is a need to address these consequences  
25 through increased focus upon prevention as well as treatment.

26 (9) With thousands of new behavioral clients seeking care,

1 there is a need to increase community capacity to meet the  
2 overwhelming demand for services.

3 (10) The Illinois opioid crisis remains a crisis, with a  
4 record number of overdoses in 2020.

5 (11) According to data from the Department of Public  
6 Health, opioid overdose deaths rose 36.5% in the first 5  
7 months of 2020 from 197 deaths in January to 269 deaths.

8 (12) According to data from the counties, teen suicides  
9 were up in 2020 compared to 2019, and Cook County's Black  
10 community experienced 71 suicides in the first 9 months of  
11 2020, compared to 56 in all of 2019.

12 (13) COVID-19 has caused an avalanche of cases to crash  
13 into a chronically underfunded, understaffed State behavioral  
14 system further brutalized financially during the budget  
15 impasse years.

16 (14) Over the next 6 years, the minimum wage in Illinois  
17 will go from \$8.25 to \$15 per hour, an hourly rate increase of  
18 as much as \$6.75 (an 82% increase) across the State. The human  
19 services sector impact is estimated to be \$1,300,000,000 for  
20 the increase in mandated future costs through 2025.

21 (15) A robust framework for addressing behavioral health  
22 concerns will be necessary to manage demand on the system,  
23 acknowledging that the full health care impact of COVID-19 may  
24 not be known for years to come.

25 (16) Community-based behavioral health prevention and  
26 treatment are less expensive and more impactful than intensive

1 hospital-based treatment or emergency responders, including  
2 Illinois' law enforcement officers, who are not as well  
3 equipped to address crisis interventions.

4 (17) Good mental health and substance use disorder  
5 prevention and treatment allows people to feel good about  
6 life, helping people accomplish their goals, and participate  
7 in their communities. To promote the prosperity of all  
8 Illinoisans, we need to invest in our State's mental health  
9 and substance use prevention and treatment services. When we  
10 improve programs and services that help all Illinoisans  
11 establish stable behavioral health and well-being, we  
12 contribute to everyone's prosperity, both now and in the  
13 future. Increasing our investments in behavioral health  
14 prevention and early intervention now will help ensure that we  
15 establish the foundation of a strong future for our State and  
16 everyone in it.

17 Section 10. Funding for community-based prevention  
18 organizations and providers of mental health and substance use  
19 disorder treatment. Beginning in 2023, and every State fiscal  
20 year thereafter, the General Assembly shall appropriate  
21 sufficient funds to the Department of Human Services to ensure  
22 grants to community-based prevention organizations and  
23 providers of mental health and substance use disorder  
24 treatment under community service grant programs for mental  
25 health and substance use disorder prevention will be adjusted

1 upward by an amount equal to the Consumer Price Index-U from  
2 the previous year, not to exceed 2% in any State fiscal year.  
3 If there is a decrease in the Consumer Price Index-U, rates  
4 shall remain unchanged for that State fiscal year.

5 As used in this Section, "consumer price index-u" means  
6 the index published by the Bureau of Labor Statistics of the  
7 United States Department of Labor that measures the average  
8 change in prices of goods and services purchased by all urban  
9 consumers, United States city average, all items, 1982-84 =  
10 100.

11 Section 15. Funding for certified community mental health  
12 centers and behavioral health clinics. Beginning in 2024, and  
13 every State fiscal year thereafter, the General Assembly shall  
14 appropriate sufficient funds to the Department of Human  
15 Services to ensure reimbursement rates for certified community  
16 mental health centers and behavioral health clinics under  
17 community service grant programs for persons with mental  
18 illness will be adjusted upward by an amount equal to the  
19 Consumer Price Index-U from the previous year, not to exceed  
20 2% in any State fiscal year. If there is a decrease in the  
21 Consumer Price Index-U, rates shall remain unchanged for that  
22 State fiscal year. The Department shall adopt rules, including  
23 emergency rules under Section 5-45.1 of the Illinois  
24 Administrative Procedure Act, to implement the provisions of  
25 this Section.

1           As used in this Section, "consumer price index-u" means  
2 the index published by the Bureau of Labor Statistics of the  
3 United States Department of Labor that measures the average  
4 change in prices of goods and services purchased by all urban  
5 consumers, United States city average, all items, 1982-84 =  
6 100.

7           Section 20. Funding for licensed or certified  
8 community-based substance use disorder treatment providers.  
9 Beginning in 2024, and every State fiscal year thereafter, the  
10 General Assembly shall appropriate sufficient funds to the  
11 Department of Human Services to ensure reimbursement rates for  
12 licensed or certified community-based substance use disorder  
13 treatment providers under community service grant programs for  
14 persons with substance use disorders will be adjusted upward  
15 by an amount equal to the Consumer Price Index-U from the  
16 previous year, not to exceed 2% in any State fiscal year. If  
17 there is a decrease in the Consumer Price Index-U, rates shall  
18 remain unchanged for that State fiscal year. The Department  
19 shall adopt rules, including emergency rules under Section  
20 5-45.1 of the Illinois Administrative Procedure Act, to  
21 implement the provisions of this Section.

22           As used in this Section, "consumer price index-u" means  
23 the index published by the Bureau of Labor Statistics of the  
24 United States Department of Labor that measures the average  
25 change in prices of goods and services purchased by all urban

1 consumers, United States city average, all items, 1982-84 =  
2 100.

3 Section 25. Illinois Administrative Procedure Act is  
4 amended by adding Section 5-45.8 as follows:

5 (5 ILCS 100/5-45.8 new)

6 Sec. 5-45.8. Emergency rulemaking; behavioral health care  
7 services rate equity. To provide for the expeditious and  
8 timely implementation of provisions of the Mental Health and  
9 Substance Use Disorder Rate Equity Act, Section 55-30 of the  
10 Substance Use Disorder Act, Section 75 of the Mental Health  
11 and Developmental Disabilities Administrative Act, and Section  
12 5-5.05a of the Illinois Public Aid Code, emergency rules may  
13 be adopted in accordance with Section 5-45 by the respective  
14 Department. The adoption of emergency rules authorized by  
15 Section 5-45 and this Section is deemed to be necessary for the  
16 public interest, safety, and welfare.

17 This Section is repealed on January 1, 2026.

18 Section 30. The Substance Use Disorder Act is amended by  
19 changing Section 55-30 as follows:

20 (20 ILCS 301/55-30)

21 Sec. 55-30. Rate increase.

22 (a) The Department shall by rule develop the increased



1 rate methodology and annualize the increased rate beginning  
2 with State fiscal year 2018 contracts to licensed providers of  
3 community-based substance use disorder intervention or  
4 treatment, based on the additional amounts appropriated for  
5 the purpose of providing a rate increase to licensed  
6 providers. The Department shall adopt rules, including  
7 emergency rules under subsection (y) of Section 5-45 of the  
8 Illinois Administrative Procedure Act, to implement the  
9 provisions of this Section.

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

19 (c) Beginning on July 1, 2021, the Division of Substance  
20 Use Prevention and Recovery shall increase reimbursement rates  
21 for all community-based substance use disorder treatment and  
22 intervention services by 9%. On July 1, 2022, such rates shall  
23 be increased by 7%. On July 1, 2023, such rates shall be  
24 increased by 5%. Beginning in 2024, and every State fiscal  
25 year thereafter, reimbursement rates for those community-based  
26 substance use disorder treatment and intervention services

1 shall be adjusted upward by an amount equal to the Consumer  
2 Price Index-U from the previous year, not to exceed 2% in any  
3 State fiscal year. If there is a decrease in the Consumer Price  
4 Index-U, rates shall remain unchanged for that State fiscal  
5 year. The Department shall adopt rules, including emergency  
6 rules under Section 5-45.1 of the Illinois Administrative  
7 Procedure Act, to implement the provisions of this Section.

8 For the purposes of this subsection, "consumer price  
9 index-u" means the index published by the Bureau of Labor  
10 Statistics of the United States Department of Labor that  
11 measures the average change in prices of goods and services  
12 purchased by all urban consumers, United States city average,  
13 all items, 1982-84 = 100.

14 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;  
15 100-759, eff. 1-1-19; 101-81, eff. 7-12-19.)

16 Section 35. The Mental Health and Developmental  
17 Disabilities Administrative Act is amended by changing Section  
18 75 as follows:

19 (20 ILCS 1705/75)

20 Sec. 75. Rate increase. Beginning on July 1, 2021, the  
21 Division of Mental Health shall increase reimbursement rates  
22 for all community-based mental health treatment services by  
23 9%. On July 1, 2022 such rates shall be increased by 7%. On  
24 July 1, 2023, such rates shall be increased by 5%. Beginning in

1 2024, and every State fiscal year thereafter, reimbursement  
2 rates for those community-based mental health treatment  
3 services shall be adjusted upward by an amount equal to the  
4 Consumer Price Index-U from the previous year, not to exceed  
5 2% in any State fiscal year. If there is a decrease in the  
6 Consumer Price Index-U, rates shall remain unchanged for that  
7 State fiscal year. The Department shall adopt rules, including  
8 emergency rules under Section 5-45.1 of the Illinois  
9 Administrative Procedure Act, to implement the provisions of  
10 this Section. Within 30 days after July 6, 2017 (the effective  
11 date of Public Act 100-23), the Division of Mental Health  
12 shall by rule develop the increased rate methodology and  
13 annualize the increased rate beginning with State fiscal year  
14 2018 contracts to certified community mental health centers,  
15 based on the additional amounts appropriated for the purpose  
16 of providing a rate increase to certified community mental  
17 health centers, with the annualization to be maintained in  
18 State fiscal year 2019. The Department shall adopt rules,  
19 including emergency rules under subsections (y) and (bb) of  
20 Section 5-45 of the Illinois Administrative Procedure Act, to  
21 implement the provisions of this Section.

22 For the purposes of this Section, "consumer price index-u"  
23 means the index published by the Bureau of Labor Statistics of  
24 the United States Department of Labor that measures the  
25 average change in prices of goods and services purchased by  
26 all urban consumers, United States city average, all items,

1 1982-84 = 100.

2 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18.)

3 Section 40. The Illinois Public Aid Code is amended by  
4 changing Section 5-5.05a and by adding Section 41 as follows:

5 (305 ILCS 5/5-5.05a)

6 Sec. 5-5.05a. Reimbursement rates; community mental health  
7 centers.

8 (a) Notwithstanding the provisions of any other law,  
9 reimbursement rates, including enhanced payment rates and rate  
10 add-ons, for psychiatric and behavioral health services  
11 provided in or by community mental health centers licensed or  
12 certified by the Department of Human Services shall not be  
13 lower than the rates for such services in effect on November 1,  
14 2017. The Department of Healthcare and Family Services shall  
15 apply for any waiver or State Plan amendment, if required, to  
16 implement the reimbursement rates established in this Section.  
17 Implementation of the reimbursement rates shall be contingent  
18 on federal approval.

19 (b) Beginning on July 1, 2021, reimbursement rates,  
20 including enhanced payment rates and rate add-ons, for  
21 psychiatric and behavioral health services provided in or by  
22 community mental health centers or behavioral health clinics  
23 licensed or certified by the Department of Human Services or  
24 the Department of Healthcare and Family Services shall be

1 increased by 9%. On July 1, 2022 such rates shall be increased  
2 by 7%. On July 1, 2023, such rates shall be increased by 5%.  
3 Beginning in 2024, and every State fiscal year thereafter,  
4 reimbursement rates for community mental health centers or  
5 behavioral health clinics licensed or certified by the  
6 Department of Human Services or the Department of Healthcare  
7 and Family 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 of  
12 Healthcare and Family Services shall adopt rules, including  
13 emergency rules under Section 5-45.1 of the Illinois  
14 Administrative Procedure Act, to implement the provisions of  
15 this Section.

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

22 (Source: P.A. 100-587, eff. 6-4-18.)

23 (305 ILCS 5/41 new)

24 Sec. 41. Reimbursement rates; substance use disorder  
25 treatment providers and facilities. Beginning on July 1, 2021,

1 the Department of Human Services' Division of Substance Use  
2 Prevention and Recovery shall increase reimbursement rates by  
3 9% for all community-based substance use disorder treatment  
4 services. On July 1, 2022 such rates shall be increased by 7%.  
5 On July 1, 2023, such rates shall be increased by 5%. Beginning  
6 in 2024, and every State fiscal year thereafter, reimbursement  
7 rates for those community-based substance use disorder  
8 treatment services shall be adjusted upward by an amount equal  
9 to the Consumer Price Index-U from the previous year, not to  
10 exceed 2% in any State fiscal year. If there is a decrease in  
11 the Consumer Price Index-U, rates shall remain unchanged for  
12 that State fiscal year. The Department shall adopt rules,  
13 including emergency rules under Section 5-45.1 of the Illinois  
14 Administrative Procedure Act, to implement the provisions of  
15 this Section.

16 For the purposes of this Section, "consumer price index-u"  
17 means the index published by the Bureau of Labor Statistics of  
18 the United States Department of Labor that measures the  
19 average change in prices of goods and services purchased by  
20 all urban consumers, United States city average, all items,  
21 1982-84 = 100.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 5 ILCS 100/5-45.8 new

5 20 ILCS 301/55-30

6 20 ILCS 1705/75

7 305 ILCS 5/5-5.05a

8 305 ILCS 5/41 new