

# SB1041



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1041

Introduced 2/25/2021, by Sen. Don Harmon

### SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-5.01a

Amends the Illinois Public Aid Code. Makes a technical change in a Section concerning supportive living facilities.

LRB102 04857 KTG 14876 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 5-5.01a as follows:

6 (305 ILCS 5/5-5.01a)

7 Sec. 5-5.01a. Supportive living facilities program.

8 (a) The ~~The~~ Department shall establish and provide  
9 oversight for a program of supportive living facilities that  
10 seek to 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 (b) Beginning July 1, 2014, subject to federal approval,

1 the Medicaid rates for supportive living facilities shall be  
2 equal to the supportive living facility Medicaid rate  
3 effective on June 30, 2014 increased by 8.85%. Once the  
4 assessment imposed at Article V-G of this Code is determined  
5 to be a permissible tax under Title XIX of the Social Security  
6 Act, the Department shall increase the Medicaid rates for  
7 supportive living facilities effective on July 1, 2014 by  
8 9.09%. The Department shall apply this increase retroactively  
9 to coincide with the imposition of the assessment in Article  
10 V-G of this Code in accordance with the approval for federal  
11 financial participation by the Centers for Medicare and  
12 Medicaid Services.

13 The Medicaid rates for supportive living facilities  
14 effective on July 1, 2017 must be equal to the rates in effect  
15 for supportive living facilities on June 30, 2017 increased by  
16 2.8%.

17 Subject to federal approval, the Medicaid rates for  
18 supportive living services on and after July 1, 2019 must be at  
19 least 54.3% of the average total nursing facility services per  
20 diem for the geographic areas defined by the Department while  
21 maintaining the rate differential for dementia care and must  
22 be updated whenever the total nursing facility service per  
23 diems are updated.

24 (c) The Department may adopt rules to implement this  
25 Section. Rules that establish or modify the services,  
26 standards, and conditions for participation in the program

1 shall be adopted by the Department in consultation with the  
2 Department on Aging, the Department of Rehabilitation  
3 Services, and the Department of Mental Health and  
4 Developmental Disabilities (or their successor agencies).

5 (d) Subject to federal approval by the Centers for  
6 Medicare and Medicaid Services, the Department shall accept  
7 for consideration of certification under the program any  
8 application for a site or building where distinct parts of the  
9 site or building are designated for purposes other than the  
10 provision of supportive living services, but only if:

11 (1) those distinct parts of the site or building are  
12 not designated for the purpose of providing assisted  
13 living services as required under the Assisted Living and  
14 Shared Housing Act;

15 (2) those distinct parts of the site or building are  
16 completely separate from the part of the building used for  
17 the provision of supportive living program services,  
18 including separate entrances;

19 (3) those distinct parts of the site or building do  
20 not share any common spaces with the part of the building  
21 used for the provision of supportive living program  
22 services; and

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

26 (e) Facilities or distinct parts of facilities which are

1 selected as supportive living facilities and are in good  
2 standing with the Department's rules are exempt from the  
3 provisions of the Nursing Home Care Act and the Illinois  
4 Health Facilities Planning Act.

5 (Source: P.A. 100-23, eff. 7-6-17; 100-583, eff. 4-6-18;  
6 100-587, eff. 6-4-18; 101-10, eff. 6-5-19.)