



Sen. Elgie R. Sims, Jr.

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10200SB3935sam001

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1 AMENDMENT TO SENATE BILL 3935

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3935 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 As used in this Section, "consumer price index-u" means  
14 the index published by the Bureau of Labor Statistics of the  
15 United States Department of Labor that measures the average  
16 change in prices of goods and services purchased by all urban  
17 consumers, United States city average, all items, 1982-84 =  
18 100.

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."