



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3716

Introduced 2/17/2023, by Rep. Anna Moeller

#### SYNOPSIS AS INTRODUCED:

210 ILCS 45/Art. IV heading new  
210 ILCS 45/4-101 new  
210 ILCS 45/4-105 new

Amends the Nursing Home Care Act. Requires the Department of Human Services to establish a New Directions for Nursing Home Resident Care Task Force to develop a 5-year plan to deinstitutionalize individuals who require long-term care consistent with the federal requirements of community integration. Provides that the Task Force shall create a plan so that every nursing-home eligible individual who can be cared for in the community at the same or lesser cost than the individual's care in a nursing home has programs available to allow them to choose such community care. Provides that the Task Force shall also identify the costs and service needs related to expanding the Task Force's plan to include that part of the nursing facility population that would be more expensive to house in the community. Provides for membership, compensation, and administrative support of the Task Force. Provides that the Department of Human Services shall constitute the Task Force no later than 3 months after the effective date of the amendatory Act. Provides that within 6 months of the effective date of the amendatory Act, the Task Force shall create a proposal for providing housing assistance payments to individuals receiving benefits under Title XVI of the federal Social Security Act who are facing placement in a facility or are unable to leave such a facility unless the individuals' have access to such a housing subsidy.

LRB103 30277 CPF 56705 b

1 AN ACT concerning regulation.

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

4 Section 5. The Nursing Home Care Act is amended by adding  
5 the heading of Article IV and Sections 4-101 and 4-105 as  
6 follows:

7 (210 ILCS 45/Art. IV heading new)

8 ARTICLE IV. LONG-TERM CARE TRANSITION.

9 (210 ILCS 45/4-101 new)

10 Sec. 4-101. Long-Term Care Transition Plan.

11 (a) The Department of Human Services shall convene a New  
12 Directions for Nursing Home Resident Care Task Force to  
13 develop a 5-year plan to implement the long-standing policy of  
14 the State of deinstitutionalizing individuals who require  
15 long-term care, consistent with the requirements of community  
16 integration in the Americans with Disabilities Act, 42 U.S.C.  
17 12101, and the United States Supreme Court decision of  
18 Olmstead v. L.C., 527 U.S. 581 (1999).

19 (b) The Task Force shall create a plan so that every  
20 nursing-home eligible individual who can be cared for in the  
21 community at the same or lesser cost than the individual's  
22 care in a nursing home has programs available to allow them to

1 choose such community care. To achieve that goal, the plan  
2 shall:

3 (1) survey current nursing facility residents to  
4 determine the number who would prefer to live in the  
5 community if sufficient and appropriate community services  
6 were available;

7 (2) quantify the amount of nursing home costs that are  
8 attributable to providing shelter as opposed to nursing  
9 services, medical care, or support with activities of  
10 daily living;

11 (3) estimate the percentage of the current nursing  
12 facility population that could be served at the same or  
13 lesser cost if the services they required were available  
14 in the community;

15 (4) specify timetables for achieving recommended  
16 programmatic changes with estimates of the numbers of  
17 nursing home residents made eligible for care in the  
18 community by each change;

19 (5) specify a procedure for educating people in  
20 nursing facilities and people considering entering nursing  
21 facilities about their community care options;

22 (6) estimate the funding redistribution needed to meet  
23 that timetable;

24 (7) identify programs that allow less congregated and  
25 less restrictive care than those currently available;

26 (8) identify gaps in program coordination that, if

1 properly coordinated, could assist in achieving the goal;

2 and

3 (9) propose a process for ensuring a just transition  
4 for nursing home staff displaced by the plan.

5 (c) The Task Force shall also identify the costs and  
6 service needs related to expanding the Task Force's plan to  
7 include that part of the nursing facility population that  
8 would be more expensive to house in the community. The plan  
9 shall also identify which specific additional programs are  
10 most likely to allow the largest number of individuals in this  
11 group to live in the community and the cost associated with  
12 each program.

13 (d) The Task Force shall consist of the following  
14 individuals, appointed by the Governor:

15 (1) the Director of the Department of Healthcare and  
16 Family Services, or the Director's designee;

17 (2) the Director of the Department of Health, or the  
18 Director's designee;

19 (3) the Director of the Department on Aging, or the  
20 Director's designee;

21 (4) the Secretary of the Department of Human Services,  
22 or the Secretary's designee;

23 (5) one member from the majority party of the Senate  
24 of the General Assembly;

25 (6) one member from the minority party of the Senate  
26 of the General Assembly;

1           (7) one member from the majority party of the House of  
2           Representatives of the General Assembly;

3           (8) one member from the minority party of the House of  
4           Representatives of the General Assembly;

5           (9) the Attorney General, or the Attorney General's  
6           designee;

7           (10) two members representing statewide trade or labor  
8           unions that represent workers in long-term care settings;

9           (11) three members representing the Statewide  
10           Independent Living Council;

11           (12) three members from the community of persons with  
12           disabilities, nominated by the Statewide Independent  
13           Living Council;

14           (13) three members from the community of seniors and  
15           senior advocates, nominated by the Statewide Independent  
16           Living Council;

17           (14) one member each from each of the nursing home  
18           industry associations;

19           (15) one member representing a national network of  
20           advocates for independent living, nominated by the  
21           Statewide Independent Living Council; and

22           (16) one member of the Protection and Advocacy System  
23           for the State.

24           (e) The Task Force members shall elect a chairperson from  
25           among the members. Task Force members shall serve without  
26           compensation but shall be reimbursed for reasonable expenses

1 incurred in carrying out the members' duties.

2 (f) The Department of Human Services shall provide  
3 administrative support to the Task Force.

4 (g) The Department of Human Services shall constitute the  
5 Task Force no later than 3 months after the effective date of  
6 this amendatory Act of the 103rd General Assembly. The Task  
7 Force shall issue its plan no later than one year after the  
8 Task Force is constituted.

9 (210 ILCS 45/4-105 new)

10 Sec. 4-105. Facility Transition Housing Program.

11 (a) Within 6 months of the effective date of this  
12 amendatory Act of the 103rd General Assembly, the Task Force  
13 shall create a proposal for providing housing assistance  
14 payments to individuals receiving benefits under Title XVI of  
15 the federal Social Security Act, 42 U.S.C. 1381, who are  
16 facing placement in a facility or are unable to leave such a  
17 facility unless the individuals' have access to such a housing  
18 subsidy.

19 (b) The proposal shall be designed to provide housing  
20 assistance payments sufficient to allow eligible individuals  
21 to live in the community, but in any event shall provide an  
22 amount of assistance not less than the assistance provided  
23 through the federal United States Department of Housing and  
24 Urban Development Section 8 housing program.

25 (c) When designing the program, the Task Force shall

1 consider the cost savings of living in the community in  
2 comparison with the expense of living in a facility.

3 (d) The proposal shall identify estimated total costs,  
4 estimated savings connected to housing individuals with a  
5 housing subsidy instead of in nursing facilities, and any  
6 appropriate funding redistribution on enactment of the  
7 proposal.