



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3975

Introduced 2/21/2023, by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-5.4e

Amends the Medical Assistance Article of the Illinois Public Aid Code. Provides that for dates of service on and after July 1, 2023, the Department of Healthcare and Family Services shall set the per diem ventilator rate for skilled nursing facilities at a rate equal to the exceptional care per diem rate established for medically complex for the developmentally disabled facilities licensed under the MC/DD Act. Effective immediately.

LRB103 30077 KTG 56501 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 5-5.4e as follows:

6 (305 ILCS 5/5-5.4e)

7 Sec. 5-5.4e. Nursing facilities; ventilator rates. On and
8 after October 1, 2009, the Department of Healthcare and Family
9 Services shall adopt rules to provide medical assistance
10 reimbursement under this Article for the care of persons on
11 ventilators in skilled nursing facilities licensed under the
12 Nursing Home Care Act and certified to participate under the
13 medical assistance program. Accordingly, necessary amendments
14 to the rules implementing the Minimum Data Set (MDS) payment
15 methodology shall also be made to provide a separate per diem
16 ventilator rate based on days of service. The Department may
17 adopt rules necessary to implement this amendatory Act of the
18 96th General Assembly through the use of emergency rulemaking
19 in accordance with Section 5-45 of the Illinois Administrative
20 Procedure Act, except that the 24-month limitation on the
21 adoption of emergency rules under Section 5-45 and the
22 provisions of Sections 5-115 and 5-125 of that Act do not apply
23 to rules adopted under this Section. For purposes of that Act,

1 the General Assembly finds that the adoption of rules to
2 implement this amendatory Act of the 96th General Assembly is
3 deemed an emergency and necessary for the public interest,
4 safety, and welfare.

5 On and after July 1, 2012, the Department shall reduce any
6 rate of reimbursement for services or other payments or alter
7 any methodologies authorized by this Code to reduce any rate
8 of reimbursement for services or other payments in accordance
9 with Section 5-5e.

10 For dates of service on and after July 1, 2023, the
11 Department shall set the per diem ventilator rate for skilled
12 nursing facilities at a rate equal to the exceptional care per
13 diem rate established under Section 5-5.4h for medically
14 complex for the developmentally disabled facilities licensed
15 under the MC/DD Act.

16 (Source: P.A. 96-743, eff. 8-25-09; 97-689, eff. 6-14-12.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.