



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4072

Introduced 5/9/2023, by Rep. Charles Meier - Janet Yang Rohr - Lindsey LaPointe - Suzanne M. Ness - Amy Elik, et al.

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-47 new

Amends the Medical Assistance Article of the Illinois Public Aid Code. Provides that, in accordance with federal guidance issued by the federal Centers for Medicare and Medicaid Services, the Department of Healthcare and Family Services shall exempt from electronic visit verification requirements all live-in caregivers who provide Medicaid-funded personal care services or home health care services under the Illinois Title XIX State Plan or a waiver of the plan, including personal care services and home health care services provided under various home and community-based services waiver programs authorized under the Social Security Act. Defines "live-in caregiver". Grants the Department rulemaking authority. Effective immediately.

LRB103 32247 KTG 61479 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 adding Section 5-47 as follows:

6 (305 ILCS 5/5-47 new)

7 Sec. 5-47. Electronic visit verification system; live-in
8 caregiver exemption. In accordance with federal guidance
9 issued by the federal Centers for Medicare and Medicaid
10 Services in its "CMCS Informational Bulletin" on August 8,
11 2019 that allows state Medicaid agencies to exempt live-in
12 caregivers from the electronic visit verification requirements
13 authorized under Section 12006(a) of the 21st Century Cures
14 Act (Public Law 114-255), the Department of Healthcare and
15 Family Services shall exempt from electronic visit
16 verification requirements all live-in caregivers who provide
17 Medicaid-funded personal care services or home health care
18 services under the Illinois Title XIX State Plan or a waiver of
19 the plan, including personal care services provided under
20 Section 1905(a) (24), 1915(c), 1915(i), 1915(j), 1915(k), or
21 1115 of the Social Security Act, and home health care services
22 provided under Section 1905(a) (7) of the Social Security Act
23 or under a waiver or demonstration project authorized under

1 the Social Security Act.

2 As used in this Section, "live-in caregiver" means a
3 caregiver who permanently or for an extended period of time
4 resides in the same residence as the individual receiving
5 Medicaid-funded personal care services or home health care
6 services. Live-in caregiver status shall be determined by
7 meeting requirements established by the U.S. Department of
8 Labor, Internal Revenue Service, or extenuating circumstances
9 approved by the Department of Healthcare and Family Services.

10 The Department of Healthcare and Family Services may adopt
11 any rules necessary to implement this provision, including
12 rules on the form and manner in which a caregiver must verify
13 that he or she meets the definition of "live in caregiver".

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.