



Rep. Jay Hoffman

Filed: 3/5/2024

10300HB4364ham001

LRB103 34592 KTG 70338 a

1 AMENDMENT TO HOUSE BILL 4364

2 AMENDMENT NO. _____. Amend House Bill 4364 by replacing
3 everything after the enacting clause with the following:

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 Department shall establish and provide oversight
9 for a program of supportive living facilities that seek to
10 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

1 services and is a designated setting that offers residents
2 their own separate, private, and distinct living units.

3 Sites for the operation of the program shall be selected
4 by the Department based upon criteria that may include the
5 need for services in a geographic area, the availability of
6 funding, and the site's ability to meet the standards.

7 (b) Beginning July 1, 2014, subject to federal approval,
8 the Medicaid rates for supportive living facilities shall be
9 equal to the supportive living facility Medicaid rate
10 effective on June 30, 2014 increased by 8.85%. Once the
11 assessment imposed at Article V-G of this Code is determined
12 to be a permissible tax under Title XIX of the Social Security
13 Act, the Department shall increase the Medicaid rates for
14 supportive living facilities effective on July 1, 2014 by
15 9.09%. The Department shall apply this increase retroactively
16 to coincide with the imposition of the assessment in Article
17 V-G of this Code in accordance with the approval for federal
18 financial participation by the Centers for Medicare and
19 Medicaid Services.

20 The Medicaid rates for supportive living facilities
21 effective on July 1, 2017 must be equal to the rates in effect
22 for supportive living facilities on June 30, 2017 increased by
23 2.8%.

24 The Medicaid rates for supportive living facilities
25 effective on July 1, 2018 must be equal to the rates in effect
26 for supportive living facilities on June 30, 2018.

1 Subject to federal approval, the Medicaid rates for
2 supportive living services on and after July 1, 2019 must be at
3 least 54.3% of the average total nursing facility services per
4 diem for the geographic areas defined by the Department while
5 maintaining the rate differential for dementia care and must
6 be updated whenever the total nursing facility service per
7 diems are updated. Beginning July 1, 2022, upon the
8 implementation of the Patient Driven Payment Model, Medicaid
9 rates for supportive living services must be at least 54.3% of
10 the average total nursing services per diem rate for the
11 geographic areas. For purposes of this provision, the average
12 total nursing services per diem rate shall include all add-ons
13 for nursing facilities for the geographic area provided for in
14 Section 5-5.2. The rate differential for dementia care must be
15 maintained in these rates and the rates shall be updated
16 whenever nursing facility per diem rates are updated.

17 Subject to federal approval, beginning January 1, 2024,
18 the dementia care rate for supportive living services must be
19 no less than the non-dementia care supportive living services
20 rate multiplied by 1.5.

21 (b-5) Subject to federal approval, beginning January 1,
22 2025, Medicaid rates for supportive living services must be at
23 least 55.2% of the average total nursing services per diem
24 rate for the geographic areas defined by the Department and
25 shall include all add-ons for nursing facilities for the
26 geographic area provided for in Section 5-5.2.

1 (c) The Department may adopt rules to implement this
2 Section. Rules that establish or modify the services,
3 standards, and conditions for participation in the program
4 shall be adopted by the Department in consultation with the
5 Department on Aging, the Department of Rehabilitation
6 Services, and the Department of Mental Health and
7 Developmental Disabilities (or their successor agencies).

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

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

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

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

26 (4) those distinct parts of the site or building do

1 not share staffing with the part of the building used for
2 the provision of supportive living program services.

3 (e) Facilities or distinct parts of facilities which are
4 selected as supportive living facilities and are in good
5 standing with the Department's rules are exempt from the
6 provisions of the Nursing Home Care Act and the Illinois
7 Health Facilities Planning Act.

8 (f) Section 9817 of the American Rescue Plan Act of 2021
9 (Public Law 117-2) authorizes a 10% enhanced federal medical
10 assistance percentage for supportive living services for a
11 12-month period from April 1, 2021 through March 31, 2022.
12 Subject to federal approval, including the approval of any
13 necessary waiver amendments or other federally required
14 documents or assurances, for a 12-month period the Department
15 must pay a supplemental \$26 per diem rate to all supportive
16 living facilities with the additional federal financial
17 participation funds that result from the enhanced federal
18 medical assistance percentage from April 1, 2021 through March
19 31, 2022. The Department may issue parameters around how the
20 supplemental payment should be spent, including quality
21 improvement activities. The Department may alter the form,
22 methods, or timeframes concerning the supplemental per diem
23 rate to comply with any subsequent changes to federal law,
24 changes made by guidance issued by the federal Centers for
25 Medicare and Medicaid Services, or other changes necessary to
26 receive the enhanced federal medical assistance percentage.

1 (g) All applications for the expansion of supportive
2 living dementia care settings involving sites not approved by
3 the Department on January 1, 2024 (the effective date of
4 Public Act 103-102) ~~this amendatory Act of the 103rd General~~
5 ~~Assembly~~ may allow new elderly non-dementia units in addition
6 to new dementia care units. The Department may approve such
7 applications only if the application has: (1) no more than one
8 non-dementia care unit for each dementia care unit and (2) the
9 site is not located within 4 miles of an existing supportive
10 living program site in Cook County (including the City of
11 Chicago), not located within 12 miles of an existing
12 supportive living program site in DuPage County, Kane County,
13 Lake County, McHenry County, or Will County, or not located
14 within 25 miles of an existing supportive living program site
15 in any other county.

16 (h) Personal needs allowance; supportive living residents.
17 Beginning January 1, 2025, subject to federal approval, for a
18 person who is a resident of a supportive living facility under
19 this Section, the monthly personal needs allowance shall be
20 \$150 per month.

21 (Source: P.A. 102-43, eff. 7-6-21; 102-699, eff. 4-19-22;
22 103-102, Article 20, Section 20-5, eff. 1-1-24; 103-102,
23 Article 100, Section 100-5, eff. 1-1-24; revised 12-15-23.)".