



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB4739

Introduced 2/6/2024, by Rep. Terra Costa Howard

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-2.02 new

Amends the Medical Assistance Article of the Illinois Public Aid Code. Provides that in order to give providers more time to prepare for and implement changes to the Medicaid Mental Health Fee Schedule and to ensure that the quality and delivery of behavioral health care is not disrupted, the Department of Healthcare and Family Services shall provide an approved Medicaid Mental Health Fee Schedule to all behavioral health care providers no later than 45 days prior to the date such rate change takes effect, unless contrary to federal law and regulation. Requires the Department to obtain federal approval on any Medicaid Mental Health Fee Schedule by submitting all necessary documentation in a timely manner, including, but not limited to, submitting any required State Plan amendments to the federal Centers for Medicare and Medicaid Services. Provides that if the Department is unable to provide 45 days' notice prior to the date such rate change takes effect due to external circumstances beyond the Department's control, the Department must provide a reasonable amount of notice. Provides that nothing in the amendatory Act shall be construed as a requirement to delay or prohibit implementation of rate changes that impact enrollee benefits as determined in the sole discretion of the Department.

LRB103 37770 KTG 67899 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 5-2.02 as follows:

6 (305 ILCS 5/5-2.02 new)

7 Sec. 5-2.02. Notice of changes to Medicaid Mental Health  
8 Fee Schedule. In order to give providers more time to prepare  
9 for and implement changes to the Medicaid Mental Health Fee  
10 Schedule and to ensure that the quality and delivery of  
11 behavioral health care is not disrupted, the Department shall  
12 do the following:

13 (1) Unless contrary to federal law and regulation, the  
14 Department must provide an approved Medicaid Mental Health  
15 Fee Schedule to all behavioral health care providers no  
16 later than 45 days prior to the date such rate change takes  
17 effect. The Department shall comply with this Section and  
18 attempt to receive federal approval on any Medicaid Mental  
19 Health Fee Schedule by submitting all necessary  
20 documentation in a timely manner, including, but not  
21 limited to, submitting any required State Plan amendments  
22 to the federal Centers for Medicare and Medicaid Services.

23 (2) If the Department is unable to provide 45 days'

1       notice prior to the date such rate change takes effect due  
2       to external circumstances beyond the Department's control,  
3       the Department must provide a reasonable amount of notice.  
4       Claims with a date of service between the date the rate  
5       increase takes effect and the date the fee schedule is  
6       published are not subject to timely filing.

7       Nothing in this Section shall be construed as a  
8       requirement to delay or prohibit implementation of rate  
9       changes that impact enrollee benefits as determined in the  
10      sole discretion of the Department.