



Rep. Elizabeth "Lisa" Hernandez

**Filed: 5/8/2024**

10300HB5139ham001

LRB103 39083 KTG 73071 a

1 AMENDMENT TO HOUSE BILL 5139

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5139 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 5-5.5 as follows:

6 (305 ILCS 5/5-5.5) (from Ch. 23, par. 5-5.5)

7 Sec. 5-5.5. Elements of Payment Rate.

8 (a) The Department of Healthcare and Family Services shall  
9 develop a prospective method for determining payment rates for  
10 nursing facility and ICF/DD services in nursing facilities  
11 composed of the following cost elements:

12 (1) Standard Services, with the cost of this component  
13 being determined by taking into account the actual costs  
14 to the facilities of these services subject to cost  
15 ceilings to be defined in the Department's rules.

16 (2) Resident Services, with the cost of this component

1 being determined by taking into account the actual costs,  
2 needs and utilization of these services, as derived from  
3 an assessment of the resident needs in the nursing  
4 facilities.

5 (3) Ancillary Services, with the payment rate being  
6 developed for each individual type of service. Payment  
7 shall be made only when authorized under procedures  
8 developed by the Department of Healthcare and Family  
9 Services.

10 (4) Nurse's Aide Training, with the cost of this  
11 component being determined by taking into account the  
12 actual cost to the facilities of such training.

13 (5) Real Estate Taxes, with the cost of this component  
14 being determined by taking into account the figures  
15 contained in the most currently available cost reports  
16 (with no imposition of maximums) updated to the midpoint  
17 of the current rate year for long term care services  
18 rendered between July 1, 1984 and June 30, 1985, and with  
19 the cost of this component being determined by taking into  
20 account the actual 1983 taxes for which the nursing homes  
21 were assessed (with no imposition of maximums) updated to  
22 the midpoint of the current rate year for long term care  
23 services rendered between July 1, 1985 and June 30, 1986.

24 (b) In developing a prospective method for determining  
25 payment rates for nursing facility and ICF/DD services in  
26 nursing facilities and ICF/DDs, the Department of Healthcare

1 and Family Services shall consider the following cost  
2 elements:

3 (1) Reasonable capital cost determined by utilizing  
4 incurred interest rate and the current value of the  
5 investment, including land, utilizing composite rates, or  
6 by utilizing such other reasonable cost related methods  
7 determined by the Department. However, beginning with the  
8 rate reimbursement period effective July 1, 1987, the  
9 Department shall be prohibited from establishing,  
10 including, and implementing any depreciation factor in  
11 calculating the capital cost element.

12 (2) Profit, with the actual amount being produced and  
13 accruing to the providers in the form of a return on their  
14 total investment, on the basis of their ability to  
15 economically and efficiently deliver a type of service.  
16 The method of payment may assure the opportunity for a  
17 profit, but shall not guarantee or establish a specific  
18 amount as a cost.

19 (c) The Illinois Department may implement the amendatory  
20 changes to this Section made by this amendatory Act of 1991  
21 through the use of emergency rules in accordance with the  
22 provisions of Section 5.02 of the Illinois Administrative  
23 Procedure Act. For purposes of the Illinois Administrative  
24 Procedure Act, the adoption of rules to implement the  
25 amendatory changes to this Section made by this amendatory Act  
26 of 1991 shall be deemed an emergency and necessary for the

1 public interest, safety and welfare.

2 (d) No later than January 1, 2001, the Department of  
3 Public Aid shall file with the Joint Committee on  
4 Administrative Rules, pursuant to the Illinois Administrative  
5 Procedure Act, a proposed rule, or a proposed amendment to an  
6 existing rule, regarding payment for appropriate services,  
7 including assessment, care planning, discharge planning, and  
8 treatment provided by nursing facilities to residents who have  
9 a serious mental illness.

10 (e) On and after July 1, 2012, the Department shall reduce  
11 any rate of reimbursement for services or other payments or  
12 alter any methodologies authorized by this Code to reduce any  
13 rate of reimbursement for services or other payments in  
14 accordance with Section 5-5e.

15 (f) Beginning July 1, 2024, and every year thereafter, the  
16 real estate tax component of the payment rate shall be updated  
17 using the most recent cost report on file with the Department  
18 as of April 1 of each year for facilities licensed under the  
19 Nursing Home Care Act and facilities licensed under the  
20 Specialized Mental Health Rehabilitation Act of 2013. The per  
21 diem rate shall be computed by dividing the real estate tax  
22 costs reported in the cost report inflated to the midpoint of  
23 the rate year by the total number of patient days reported in  
24 the same cost report. When computing the facility per diem  
25 real estate tax component, there shall be no adjustment to the  
26 total patient days reported in the facility cost report based

1 upon any occupancy standard.

2 (Source: P.A. 96-1123, eff. 1-1-11; 96-1530, eff. 2-16-11;  
3 97-689, eff. 6-14-12.)

4 Section 99. Effective date. This Act takes effect July 1,  
5 2024.".