



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5784

Introduced 3/20/2024, by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-2c new

Amends the Medical Assistance Article of the Illinois Public Aid Code. Requires the Department of Healthcare and Family Services to establish and administer, by January 1, 2026, a Certified Family Health Aide Program that permits a legally responsible family caregiver or family member to receive specific training from a participating licensed home health agency, home nursing agency, or home services agency on the provision of private duty nursing services. Provides that a legally responsible family caregiver or family member who successfully completes training and meets all other applicable requirements under State or federal law shall receive certification as a certified family health aide and be eligible to provide private duty nursing services to a qualifying family member under the Early and Periodic Screening, Diagnostic and Treatment benefit or through any home and community-based services waiver program for medically fragile and technology dependent children. Provides that no home health agency, home nursing agency, home services agency, or legally responsible family caregiver or family member is required to participate in the program. Contains provisions on training and instruction requirements for certification; additional hands-on training provided by participating agencies; competency requirements for certified family health aides; background check requirements; reimbursement rates for certified family health aide services; Department rules and reporting requirements; monthly meetings between the Department and participating agencies during the implementation phase of the program; and other matters. Effective immediately.

LRB103 39920 KTG 70945 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 5-2c as follows:

6 (305 ILCS 5/5-2c new)

7 Sec. 5-2c. Certified Family Health Aide Program.

8 (a) As used in this Section:

9 "Home health agency", "home nursing agency", and "home
10 services agency" have the same meaning ascribed to those terms
11 under the Home Health, Home Services, and Home Nursing Agency
12 Licensing Act.

13 "Legally responsible family caregiver or family member"
14 mean a parent, guardian, or adult sibling, 18 years of age or
15 older, of a household family member who receives or is
16 eligible to receive in-home shift nursing services or in-home
17 respite services under the Early and Periodic Screening,
18 Diagnostic and Treatment benefit authorized under 42 CFR
19 441.50 or through any home and community-based services waiver
20 program for medically fragile and technology dependent
21 children as authorized under Section 1915(c) of the Social
22 Security Act.

23 "Participating agency" means a home health agency, home

1 nursing agency, or home services agency that participates in
2 the Certified Family Health Aide Program.

3 "Program" means the Certified Family Health Aide Program.

4 (b) By January 1, 2026, the Department shall establish and
5 administer a Certified Family Health Aide Program that permits
6 a legally responsible family caregiver or family member to
7 receive specific training from a participating licensed home
8 health agency, home nursing agency, or home services agency on
9 the provision of private duty nursing services. A legally
10 responsible family caregiver or family member who successfully
11 completes training and meets all other applicable requirements
12 under State or federal law shall receive certification as a
13 certified family health aide and be eligible to provide
14 private duty nursing services to a qualifying family member
15 under the Early and Periodic Screening, Diagnostic and
16 Treatment benefit or through any home and community-based
17 services waiver program for medically fragile and technology
18 dependent children. No home health agency, home nursing
19 agency, home services agency, or legally responsible family
20 caregiver or family member is required to participate in the
21 program.

22 (c) To obtain certification as a family health aide under
23 the program, a legally responsible family caregiver or family
24 member must complete all training, testing, and other
25 qualification criteria as prescribed by the Department, by
26 rule, or as required under any applicable State or federal

1 law. Training provided by a participating agency must follow
2 federal guidelines and standards on home health aide
3 instruction and training as set forth in 42 CFR 484.80. All
4 family health aides must complete training and instruction on
5 the following tasks:

6 (1) patient care transfers;

7 (2) positioning;

8 (3) ambulation;

9 (4) feeding;

10 (5) personal 24 care;

11 (6) catheter care;

12 (7) range of motion;

13 (8) observation and reporting of a patient's vital
14 signs and blood pressure;

15 (9) medication administration;

16 (10) enteral care; and

17 (11) meal and formula preparation.

18 A participating agency must provide an additional 10 hours
19 of hands-on training in the tasks described in paragraphs (1)
20 through (11). All training and instruction provided by a
21 participating agency must be documented by the participating
22 agency. Each of tasks described in paragraphs (1) through (11)
23 shall be within the scope of practice for certified family
24 health aides.

25 (d) Certified family health aides must meet all competency
26 requirements imposed by the participating agency, as well as

1 applicable State and federal guidelines, before providing
2 private duty nursing services to a family member who is
3 receiving medical assistance under the Early and Periodic
4 Screening, Diagnostic and Treatment benefit or through any
5 home and community-based services waiver program for medically
6 fragile and technology dependent children. A participating
7 agency that employs a legally responsible family caregiver or
8 family member prior to certification shall be required to pay
9 all training costs for the legally responsible family
10 caregiver or family member to become a certified family health
11 aide. No legally responsible family caregiver or family member
12 shall be required to reimburse the participating agency for
13 the training costs associated with certification. A legally
14 responsible family caregiver or family member must meet all
15 applicable State and federal background screening requirements
16 and regulations, including a fingerprint-based criminal
17 history records check, to obtain employment at a participating
18 agency.

19 The Department shall adopt rules to implement the program,
20 including, but not limited to, rules on application and
21 certification requirements for legally responsible family
22 caregivers or family members seeking to participate in the
23 program.

24 (e) To qualify for certification as a certified family
25 health aide, a legally responsible family caregiver or family
26 member must at a minimum:

1 (1) be at least 18 years of age or older; and
2 (2) have satisfactorily completed
3 participant-specific training and received a sign-off
4 indicating competency in the provision of care from a
5 supervising medical team and participating agency.

6 A certified family health aide may only provide care to
7 the specific family member for whom the certified family
8 health aide is trained to provide care. The certified family
9 health aide may provide private duty nursing services to that
10 family member if the certified family health aide is the only
11 family member present in the home at the time of service
12 delivery. Certified family health aides may not provide
13 services to persons other than family members who are eligible
14 for medical assistance under the Early and Periodic Screening,
15 Diagnostic and Treatment benefit or through any home and
16 community-based services waiver program for medically fragile
17 and technology dependent children. Certified family health
18 aides may not provide services in any health care setting
19 other than a home nursing model.

20 (f) The reimbursement rate for home health agencies, home
21 nursing agencies, and home services agencies that provide
22 certified family health aide services shall be no lower than
23 \$40.00 an hour.

24 (g) Beginning 30 days after the effective date of this
25 amendatory Act of the 103rd General Assembly and until the
26 Certified Family Health Aide Program is implemented, the

1 Department shall meet and work with home health agencies, home
2 nursing agencies, and home services agencies on a monthly
3 basis during the development and implementation phase of the
4 program.

5 (h) No later than 3 years after the implementation date of
6 the program, the Department shall prepare and submit a report
7 to the Governor and the General Assembly concerning the
8 viability of the program and the Director's recommendations
9 concerning the program. The Department shall use its data and
10 not that of any home health agency, home nursing agency, or
11 home services agency participating in the program.

12 (i) The Department shall permanently establish a committee
13 and meet together at least quarterly with home health
14 agencies, home nursing agencies, and home services agencies,
15 family health aides and their families, and other members of
16 the public to make comments or ask questions regarding the
17 private duty nursing benefit servicing program participants
18 under the State Plan's Early and Periodic Screening,
19 Diagnostic, and Treatment program or the Medically Fragile,
20 Technology Dependent waiver.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.