



Rep. Robyn Gabel

Filed: 5/7/2024

10300SB0774ham003

LRB103 03230 JDS 73167 a

1 AMENDMENT TO SENATE BILL 774

2 AMENDMENT NO. _____. Amend Senate Bill 774 by replacing
3 line 23 on page 17 through line 18 on page 24 with the
4 following:

5 "Section 15. The Illinois Public Aid Code is amended by
6 changing Section 5-5.01a as follows:

7 (305 ILCS 5/5-5.01a)

8 Sec. 5-5.01a. Supportive living facilities program.

9 (a) The Department shall establish and provide oversight
10 for a program of supportive living facilities that seek to
11 promote resident independence, dignity, respect, and
12 well-being in the most cost-effective manner.

13 A supportive living facility is (i) a free-standing
14 facility or (ii) a distinct physical and operational entity
15 within a mixed-use building that meets the criteria
16 established in subsection (d). A supportive living facility

1 integrates housing with health, personal care, and supportive
2 services and is a designated setting that offers residents
3 their own separate, private, and distinct living units.

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

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

21 The Medicaid rates for supportive living facilities
22 effective on July 1, 2017 must be equal to the rates in effect
23 for supportive living facilities on June 30, 2017 increased by
24 2.8%.

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

1 for supportive living facilities on June 30, 2018.

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

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

22 (c) The Department may adopt rules to implement this
23 Section. Rules that establish or modify the services,
24 standards, and conditions for participation in the program
25 shall be adopted by the Department in consultation with the
26 Department on Aging, the Department of Rehabilitation

1 Services, and the Department of Mental Health and
2 Developmental Disabilities (or their successor agencies).

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

9 (1) those distinct parts of the site or building are
10 not designated for the purpose of providing assisted
11 living services as required under the Assisted Living and
12 Shared Housing Act;

13 (2) those distinct parts of the site or building are
14 completely separate from the part of the building used for
15 the provision of supportive living program services,
16 including separate entrances;

17 (3) those distinct parts of the site or building do
18 not share any common spaces with the part of the building
19 used for the provision of supportive living program
20 services; and

21 (4) those distinct parts of the site or building do
22 not share staffing with the part of the building used for
23 the provision of supportive living program services.

24 (e) Facilities or distinct parts of facilities which are
25 selected as supportive living facilities and are in good
26 standing with the Department's rules are exempt from the

1 provisions of the Nursing Home Care Act and the Illinois
2 Health Facilities Planning Act.

3 (f) Section 9817 of the American Rescue Plan Act of 2021
4 (Public Law 117-2) authorizes a 10% enhanced federal medical
5 assistance percentage for supportive living services for a
6 12-month period from April 1, 2021 through March 31, 2022.
7 Subject to federal approval, including the approval of any
8 necessary waiver amendments or other federally required
9 documents or assurances, for a 12-month period the Department
10 must pay a supplemental \$26 per diem rate to all supportive
11 living facilities with the additional federal financial
12 participation funds that result from the enhanced federal
13 medical assistance percentage from April 1, 2021 through March
14 31, 2022. The Department may issue parameters around how the
15 supplemental payment should be spent, including quality
16 improvement activities. The Department may alter the form,
17 methods, or timeframes concerning the supplemental per diem
18 rate to comply with any subsequent changes to federal law,
19 changes made by guidance issued by the federal Centers for
20 Medicare and Medicaid Services, or other changes necessary to
21 receive the enhanced federal medical assistance percentage.

22 (g) All applications for the expansion of supportive
23 living dementia care settings involving sites not approved by
24 the Department on January 1, 2024 (the effective date of
25 Public Act 103-102) ~~this amendatory Act of the 103rd General~~
26 ~~Assembly~~ may allow new elderly non-dementia units in addition

1 to new dementia care units. The Department may approve such
2 applications only if the application has: (1) no more than one
3 non-dementia care unit for each dementia care unit and (2) the
4 site is not located within 4 miles of an existing supportive
5 living program site in Cook County (including the City of
6 Chicago), not located within 12 miles of an existing
7 supportive living program site in DuPage County, Kane County,
8 Lake County, McHenry County, or Will County, or not located
9 within 25 miles of an existing supportive living program site
10 in any other county.

11 (f) Subject to federal approval, the Department shall
12 allow a certified medication aide to administer medication in
13 a supportive living facility. For purposes of this subsection,
14 "certified medication aide" means a person who has met the
15 qualifications for certification under Section 79 of the
16 Assisted Living and Shared Housing Act and assists with
17 medication administration while under the supervision of a
18 registered professional nurse as authorized by Section 50-75
19 of the Nurse Practice Act. The Department may adopt rules to
20 implement this subsection.

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.)".