



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1910

Introduced 2/9/2023, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

20 ILCS 2205/2205-40 new

Amends the Department of Healthcare and Family Services Law. Provides that, to ensure that the actions of the Department of Healthcare and Family Services are fairly and equitably communicated to both the provider community and Medicaid managed care organizations under contract with the State, to the full extent permitted by federal and State law, the Department shall coordinate with and communicate to statewide organizations representing substance use disorder and mental health facilities and providers (statewide organizations) the Department's actions or modifications to those provisions of the Illinois Public Aid Code or Department rules concerning managed care services for persons with substance use disorders or mental health conditions, at the same time the Department communicates such actions or modifications to Medicaid managed care organizations (MCOs) or plans. Specifies that the requirements of the amendatory Act apply to actions, communications, or modifications involving mental health and substance use disorder provisions to or from the Illinois Public Aid Code or adopted rules for which the Department has authority over. Provides that, to the full extent permitted by federal and State law, the Department shall provide a statewide organization with notice of the Department's proposed actions or modifications to such State laws or Department rules, at the same time the Department communicates such proposed actions or modifications to MCOs. Provides that, to the extent that the Department is prohibited by a federal or State law, a contractual obligation, or any other privacy restriction from disclosing certain information related to the Department's action or modification to a State law or Department rule, the Department shall disclose such information to the statewide organization as soon as permitted and to the full extent permissible under the applicable law or contract or when the privacy restriction has been removed.

LRB103 26968 KTG 53334 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Healthcare and Family
5 Services Law of the Civil Administrative Code of Illinois is
6 amended by adding Section 2205-40 as follows:

7 (20 ILCS 2205/2205-40 new)

8 Sec. 2205-40. Department transparency.

9 (a) To ensure that the actions of the Department are
10 fairly and equitably communicated to both the provider
11 community and Medicaid managed care organizations under
12 contract with the State, to the full extent permitted by
13 federal and State law, the Department shall coordinate with
14 and communicate to statewide organizations representing
15 substance use disorder and mental health facilities and
16 providers the Department's actions or modifications to any
17 State law or Department rule listed in subsection (d)
18 concerning managed care services for persons with substance
19 use disorders or mental health conditions, at the same time
20 the Department communicates such actions or modifications to
21 Medicaid managed care organizations or plans, in substantially
22 the same form and amount of information as that communicated
23 by the Department to the Medicaid managed care organizations.

1 (b) To the full extent permitted by federal and State law,
2 the Department shall provide statewide organizations
3 representing substance use disorder and mental health
4 facilities and providers with notice of the Department's
5 proposed actions or modifications to any State law or
6 Department rule listed in subsection (d) concerning managed
7 care services for persons with substance use disorders or
8 mental health conditions, at the same time the Department
9 communicates such proposed actions or modifications to
10 Medicaid managed care organizations or plans, in substantially
11 the same form and amount of information as that communicated
12 by the Department to the Medicaid managed care organizations.

13 (c) To the extent that the Department is prohibited by a
14 federal or State law, a contractual obligation, or any other
15 privacy restriction from disclosing certain information
16 related to the Department's actions or modifications to a
17 State law or Department rule listed in subsection (d)
18 concerning managed care services for persons with substance
19 use disorders or mental health conditions, the Department
20 shall disclose such information to the statewide organizations
21 representing substance use disorder and mental health
22 facilities and providers as soon as permitted and to the full
23 extent permissible under the applicable law or contract or
24 when the privacy restriction has been removed. If the
25 Department provides guidance to a statewide organization
26 representing Medicaid managed care organizations or plans

1 regarding information related to managed care services for
2 persons with substance use disorders or mental health
3 conditions, the Department shall immediately thereafter
4 communicate the same information to the statewide organization
5 representing mental health and substance use disorder
6 facilities and providers. Any guidance concerning managed care
7 services for persons with substance use disorders or mental
8 health conditions that is first communicated by the Department
9 to the statewide organization representing mental health and
10 substance use disorder facilities and providers shall,
11 likewise, be communicated immediately thereafter to the
12 statewide organization representing Medicaid managed care
13 organizations or plans.

14 (d) The requirements of this Section shall apply to
15 proposed or actual actions, communications, or modifications
16 involving mental health and substance use disorder provisions
17 to or from the Illinois Public Aid Code or rules or regulations
18 adopted based upon the Illinois Public Aid Code, for which the
19 Department has authority over or participates in, including,
20 but not limited to, 59 Ill. Adm. Code 132, 77 Ill. Adm. Code
21 2060, 77 Ill. Adm. Code 2090, and 89 Ill. Adm. Code 140, or any
22 amendments or additions thereto, in accordance with the
23 Illinois Administrative Procedure Act.