



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB1911

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

#### SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 100/5-45.35 new

20 ILCS 301/55-30

305 ILCS 5/5-47 new

Creates the Substance Use Disorder Residential and Detox Rate Equity Act. Requires the General Assembly to appropriate sufficient funds to the Department of Human Services, for State Fiscal Year 2024 and for each State fiscal year thereafter, to ensure reimbursement rates will be increased and subsequently adjusted upward by an amount equal to the Consumer Price Index-U from the previous year, not to exceed 5% in any State fiscal year, for licensed or certified community-based substance use disorder treatment providers under community service grant programs for persons with substance use disorders, including, but not limited to, certain residential and withdrawal management services provided in accordance with criteria established by the American Society of Addiction Medicine. Effective immediately.

LRB103 26966 KTG 53331 b

1 AN ACT concerning substance use disorders.

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

4 Section 1. Short title. This Act may be cited as the  
5 Substance Use Disorder Residential and Detox Rate Equity Act.

6 Section 5. Funding for licensed or certified  
7 community-based substance use disorder treatment providers.  
8 Beginning on July 1, 2023 for State Fiscal Year 2024, and for  
9 each State fiscal year thereafter, the General Assembly shall  
10 appropriate sufficient funds to the Department of Human  
11 Services to ensure reimbursement rates will be increased and  
12 subsequently adjusted upward by an amount equal to the  
13 Consumer Price Index-U from the previous year, not to exceed  
14 5% in any State fiscal year, for licensed or certified  
15 community-based substance use disorder treatment providers  
16 under community service grant programs for persons with  
17 substance use disorders, including, but not limited to, the  
18 following services provided in accordance with ASAM criteria  
19 as set forth in the American Society of Addiction Medicine's  
20 most recent edition of The ASAM Criteria: Treatment Criteria  
21 for Addictive, Substance-Related, and Co-Occurring Conditions:

22 (1) ASAM level 3.5 Clinically Managed High-Intensity  
23 Residential Services for adults;

1 (2) ASAM level 3.5 Clinically Managed Medium-Intensity  
2 Residential Services for adolescents;

3 (3) ASAM level 3.2 Clinically Managed Residential  
4 Withdrawal Management;

5 (4) ASAM level 3.7 Medically Monitored Intensive  
6 Inpatient Services for adults and Medically Monitored  
7 High-Intensity Inpatient Services for adolescents; and

8 (5) ASAM level 3.1 Clinically Managed Low-Intensity  
9 Residential Services for adults and adolescents.

10 If there is a decrease in the Consumer Price Index-U,  
11 rates shall remain unchanged for that State fiscal year. The  
12 Department of Human Services shall increase the grant contract  
13 amount awarded to each eligible community-based substance use  
14 disorder treatment provider to ensure that the level and  
15 number of services provided under community service grant  
16 programs shall not be reduced by increasing the amount  
17 available to each provider under the community service grant  
18 programs to address the increased rate for each such service.

19 The Department shall adopt rules, including emergency  
20 rules in accordance with Section 5-45 of the Illinois  
21 Administrative Procedure Act, to implement the provisions of  
22 this Act.

23 As used in this Act, "Consumer Price Index-U" means the  
24 index published by the Bureau of Labor Statistics of the  
25 United States Department of Labor that measures the average  
26 change in prices of goods and services purchased by all urban

1 consumers, United States city average, all items, 1982-84 =  
2 100.

3 Section 10. The Illinois Administrative Procedure Act is  
4 amended by adding Section 5-45.35 as follows:

5 (5 ILCS 100/5-45.35 new)

6 Sec. 5-45.35. Emergency rulemaking; Substance Use Disorder  
7 Residential and Detox Rate Equity. To provide for the  
8 expeditious and timely implementation of the Substance Use  
9 Disorder Residential and Detox Rate Equity Act, emergency  
10 rules implementing the Substance Use Disorder Residential and  
11 Detox Rate Equity Act may be adopted in accordance with  
12 Section 5-45 by the Department of Human Services. The adoption  
13 of emergency rules authorized by Section 5-45 and this Section  
14 is deemed to be necessary for the public interest, safety, and  
15 welfare.

16 This Section is repealed one year after the effective date  
17 of this amendatory Act of the 103rd General Assembly.

18 Section 15. The Substance Use Disorder Act is amended by  
19 changing Section 55-30 as follows:

20 (20 ILCS 301/55-30)

21 Sec. 55-30. Rate increase.

22 (a) The Department shall by rule develop the increased

1 rate methodology and annualize the increased rate beginning  
2 with State fiscal year 2018 contracts to licensed providers of  
3 community-based substance use disorder intervention or  
4 treatment, based on the additional amounts appropriated for  
5 the purpose of providing a rate increase to licensed  
6 providers. The Department shall adopt rules, including  
7 emergency rules under subsection (y) of Section 5-45 of the  
8 Illinois Administrative Procedure Act, to implement the  
9 provisions of this Section.

10 (b) (Blank).

11 (c) Beginning on July 1, 2022, the Division of Substance  
12 Use Prevention and Recovery shall increase reimbursement rates  
13 for all community-based substance use disorder treatment and  
14 intervention services by 47%, including, but not limited to,  
15 all of the following:

16 (1) Admission and Discharge Assessment.

17 (2) Level 1 (Individual).

18 (3) Level 1 (Group).

19 (4) Level 2 (Individual).

20 (5) Level 2 (Group).

21 (6) Case Management.

22 (7) Psychiatric Evaluation.

23 (8) Medication Assisted Recovery.

24 (9) Community Intervention.

25 (10) Early Intervention (Individual).

26 (11) Early Intervention (Group).

1           Beginning in State Fiscal Year 2023, and every State  
2 fiscal year thereafter, reimbursement rates for those  
3 community-based substance use disorder treatment and  
4 intervention services shall be adjusted upward by an amount  
5 equal to the Consumer Price Index-U from the previous year,  
6 not to exceed 2% in any State fiscal year. If there is a  
7 decrease in the Consumer Price Index-U, rates shall remain  
8 unchanged for that State fiscal year. The Department shall  
9 adopt rules, including emergency rules in accordance with the  
10 Illinois Administrative Procedure Act, to implement the  
11 provisions of this Section.

12           As used in this subsection, "consumer price index-u" means  
13 the index published by the Bureau of Labor Statistics of the  
14 United States Department of Labor that measures the average  
15 change in prices of goods and services purchased by all urban  
16 consumers, United States city average, all items, 1982-84 =  
17 100.

18           (d) Beginning in State Fiscal Year 2024, the Division of  
19 Substance Use Prevention and Recovery shall increase  
20 reimbursement rates for all community-based substance use  
21 disorder treatment and intervention services by 100%,  
22 including, but not limited to, the following services provided  
23 in accordance with ASAM criteria as set forth in the American  
24 Society of Addiction Medicine's most recent edition of The  
25 ASAM Criteria: Treatment Criteria for Addictive,  
26 Substance-Related, and Co-Occurring Conditions:

1           (1) ASAM level 3.5 Clinically Managed High-Intensity  
2           Residential Services for adults;

3           (2) ASAM level 3.5 Clinically Managed Medium-Intensity  
4           Residential Services for adolescents;

5           (3) ASAM level 3.2 Clinically Managed Residential  
6           Withdrawal Management;

7           (4) ASAM level 3.7 Medically Monitored Intensive  
8           Inpatient Services for adults and Medically Monitored  
9           High-Intensity Inpatient Services for adolescents; and

10           (5) ASAM level 3.1 Clinically Managed Low-Intensity  
11           Residential Services for adults and adolescents.

12           Beginning in State Fiscal Year 2024, and every State  
13           fiscal year thereafter, reimbursement rates for those  
14           community-based substance use disorder treatment and  
15           intervention services shall be adjusted upward by an amount  
16           equal to the Consumer Price Index-U from the previous year,  
17           not to exceed 5% in any State fiscal year. If there is a  
18           decrease in the Consumer Price Index-U, rates shall remain  
19           unchanged for that State fiscal year. The Department shall  
20           adopt rules, including emergency rules under Section 5-45 of  
21           the Illinois Administrative Procedure Act, to implement the  
22           provisions of this subsection.

23           As used in this subsection, "Consumer Price Index-U" means  
24           the index published by the Bureau of Labor Statistics of the  
25           United States Department of Labor that measures the average  
26           change in prices of goods and services purchased by all urban

1 consumers, United States city average, all items, 1982-84 =  
2 100. The Department of Human Services shall increase the grant  
3 contract amount awarded to each eligible community-based  
4 substance use disorder treatment provider to ensure that the  
5 level and number of services provided under community service  
6 grant programs shall not be reduced by increasing the amount  
7 available to each provider under the community service grant  
8 programs to address the increased rate for each such service.

9 (Source: P.A. 101-81, eff. 7-12-19; 102-699, eff. 4-19-22.)

10 Section 20. The Illinois Public Aid Code is amended by  
11 adding Section 5-47 as follows:

12 (305 ILCS 5/5-47 new)

13 Sec. 5-47. Reimbursement rates; substance use disorder  
14 treatment providers and facilities. Beginning on December 1,  
15 2024, the Department of Human Services' Division of Substance  
16 Use Prevention and Recovery, in conjunction with the  
17 Department of Healthcare and Family Services, shall provide a  
18 100% increase in reimbursement rates for all community-based  
19 substance use disorder treatment services, including, but not  
20 limited to, the following services provided in accordance with  
21 ASAM criteria as set forth in the American Society of  
22 Addiction Medicine's most recent edition of The ASAM Criteria:  
23 Treatment Criteria for Addictive, Substance-Related, and  
24 Co-Occurring Conditions:



1           (1) ASAM level 3.5 Clinically Managed High-Intensity  
2           Residential Services for adults;

3           (2) ASAM level 3.5 Clinically Managed Medium-Intensity  
4           Residential Services for adolescents;

5           (3) ASAM level 3.2 Clinically Managed Residential  
6           Withdrawal Management;

7           (4) ASAM level 3.7 Medically Monitored Intensive  
8           Inpatient Services for adults and Medically Monitored  
9           High-Intensity Inpatient Services for adolescents; and

10           (5) ASAM level 3.1 Clinically Managed Low-Intensity  
11           Residential Services for adults and adolescents.

12           No existing or future reimbursement rates or add-ons shall  
13           be reduced or changed to address this proposed rate increase.  
14           No later than 3 months after the effective date of this  
15           amendatory Act of the 103rd General Assembly, the Department  
16           of Healthcare and Family Services shall immediately submit any  
17           necessary application to the federal Centers for Medicare and  
18           Medicaid Services to implement the requirements of this  
19           Section. Beginning on December 1, 2024, and for every State  
20           fiscal year thereafter, reimbursement rates for those  
21           community-based substance use disorder treatment services  
22           shall be adjusted upward by an amount equal to the Consumer  
23           Price Index-U from the previous year, not to exceed 5% in any  
24           State fiscal year. If there is a decrease in the Consumer Price  
25           Index-U, rates shall remain unchanged for that State fiscal  
26           year. The Department of Human Services and the Department of

1 Healthcare and Family Services shall adopt rules, including  
2 emergency rules in accordance with Section 5-45 of the  
3 Illinois Administrative Procedure Act, as necessary to  
4 implement the provisions of this Section.

5 As used in this Section, "Consumer Price Index-U" means  
6 the index published by the Bureau of Labor Statistics of the  
7 United States Department of Labor that measures the average  
8 change in prices of goods and services purchased by all urban  
9 consumers, United States city average, all items, 1982-84  
10 =100.

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.