



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2341

Introduced 2/10/2023, by Sen. Dale Fowler

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-5.01a

Amends the Medical Assistance Article of the Illinois Public Aid Code. In provisions concerning the supportive living facilities program, provides that a facility selected by the Department of Healthcare and Family Services to participate in the supportive living facilities program may employ direct support persons who are at least 18 years of age and have successfully completed a direct support persons training program, approved by the Department of Human Services, within 120 days of their date of hire or the date they were first assigned direct support responsibilities at the facility. Requires the facility to check the Department of Public Health's Health Care Worker Registry to verify that an individual hired to provide direct support services is listed on the Registry as eligible to work for a health care employer. Provides that the responsibilities of a direct support person hired in accordance with the amendatory Act shall include, but not be limited to: (i) following and helping to carry out a facility resident's written service plan; (ii) providing personal care services to facility residents, including, but not limited to, bathing, eating, dressing, personal hygiene, grooming, toileting, ambulation, medication reminders, and assistance with transfer; (iii) observing a facility resident's functioning, maintaining written records of those observations, and reporting any changes to a licensed nurse on duty at the facility; and (iv) attending initial training and in-service training sessions and staff conferences.

LRB103 28660 KTG 55041 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 changing Section 5-5.01a as follows:

6 (305 ILCS 5/5-5.01a)

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

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

12 A supportive living facility is (i) a free-standing
13 facility or (ii) a distinct physical and operational entity
14 within a mixed-use building that meets the criteria
15 established in subsection (d). A supportive living facility
16 integrates housing with health, personal care, and supportive
17 services and is a designated setting that offers residents
18 their own separate, private, and distinct living units.

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

23 (b) Beginning July 1, 2014, subject to federal approval,

1 the Medicaid rates for supportive living facilities shall be
2 equal to the supportive living facility Medicaid rate
3 effective on June 30, 2014 increased by 8.85%. Once the
4 assessment imposed at Article V-G of this Code is determined
5 to be a permissible tax under Title XIX of the Social Security
6 Act, the Department shall increase the Medicaid rates for
7 supportive living facilities effective on July 1, 2014 by
8 9.09%. The Department shall apply this increase retroactively
9 to coincide with the imposition of the assessment in Article
10 V-G of this Code in accordance with the approval for federal
11 financial participation by the Centers for Medicare and
12 Medicaid Services.

13 The Medicaid rates for supportive living facilities
14 effective on July 1, 2017 must be equal to the rates in effect
15 for supportive living facilities on June 30, 2017 increased by
16 2.8%.

17 The Medicaid rates for supportive living facilities
18 effective on July 1, 2018 must be equal to the rates in effect
19 for supportive living facilities on June 30, 2018.

20 Subject to federal approval, the Medicaid rates for
21 supportive living services on and after July 1, 2019 must be at
22 least 54.3% of the average total nursing facility services per
23 diem for the geographic areas defined by the Department while
24 maintaining the rate differential for dementia care and must
25 be updated whenever the total nursing facility service per
26 diems are updated. Beginning July 1, 2022, upon the

1 implementation of the Patient Driven Payment Model, Medicaid
2 rates for supportive living services must be at least 54.3% of
3 the average total nursing services per diem rate for the
4 geographic areas. For purposes of this provision, the average
5 total nursing services per diem rate shall include all add-ons
6 for nursing facilities for the geographic area provided for in
7 Section 5-5.2. The rate differential for dementia care must be
8 maintained in these rates and the rates shall be updated
9 whenever nursing facility per diem rates are updated.

10 (c) The Department may adopt rules to implement this
11 Section. Rules that establish or modify the services,
12 standards, and conditions for participation in the program
13 shall be adopted by the Department in consultation with the
14 Department on Aging, the Department of Rehabilitation
15 Services, and the Department of Mental Health and
16 Developmental Disabilities (or their successor agencies).

17 (c-5) A facility selected by the Department to participate
18 in the supportive living facilities program may employ direct
19 support persons who are at least 18 years of age and have
20 successfully completed a direct support persons training
21 program, approved by the Department of Human Services, within
22 120 days of their date of hire or the date they were first
23 assigned direct support responsibilities at the facility. The
24 facility must check the Department of Public Health's Health
25 Care Worker Registry to verify that an individual hired to
26 provide direct support services is listed on the Registry as

1 eligible to work for a health care employer. The
2 responsibilities of a direct support person hired in
3 accordance with this subsection shall include, but not be
4 limited to:

5 (1) Following and helping to carry out a facility
6 resident's written service plan.

7 (2) Providing personal care services to facility
8 residents, including, but not limited to, bathing, eating,
9 dressng, personal hygiene, grooming, toileting,
10 ambulation, medication reminders, and assistance with
11 transfer.

12 (3) Observing a facility resident's functioning,
13 maintaining written records of those observations, and
14 reporting any changes to a licensed nurse on duty at the
15 facility.

16 (4) Attending initial training and in-service training
17 sessions and staff conferences.

18 (d) Subject to federal approval by the Centers for
19 Medicare and Medicaid Services, the Department shall accept
20 for consideration of certification under the program any
21 application for a site or building where distinct parts of the
22 site or building are designated for purposes other than the
23 provision of supportive living services, but only if:

24 (1) those distinct parts of the site or building are
25 not designated for the purpose of providing assisted
26 living services as required under the Assisted Living and

1 Shared Housing Act;

2 (2) those distinct parts of the site or building are
3 completely separate from the part of the building used for
4 the provision of supportive living program services,
5 including separate entrances;

6 (3) those distinct parts of the site or building do
7 not share any common spaces with the part of the building
8 used for the provision of supportive living program
9 services; and

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

13 (e) Facilities or distinct parts of facilities which are
14 selected as supportive living facilities and are in good
15 standing with the Department's rules are exempt from the
16 provisions of the Nursing Home Care Act and the Illinois
17 Health Facilities Planning Act.

18 (f) Section 9817 of the American Rescue Plan Act of 2021
19 (Public Law 117-2) authorizes a 10% enhanced federal medical
20 assistance percentage for supportive living services for a
21 12-month period from April 1, 2021 through March 31, 2022.
22 Subject to federal approval, including the approval of any
23 necessary waiver amendments or other federally required
24 documents or assurances, for a 12-month period the Department
25 must pay a supplemental \$26 per diem rate to all supportive
26 living facilities with the additional federal financial

1 participation funds that result from the enhanced federal
2 medical assistance percentage from April 1, 2021 through March
3 31, 2022. The Department may issue parameters around how the
4 supplemental payment should be spent, including quality
5 improvement activities. The Department may alter the form,
6 methods, or timeframes concerning the supplemental per diem
7 rate to comply with any subsequent changes to federal law,
8 changes made by guidance issued by the federal Centers for
9 Medicare and Medicaid Services, or other changes necessary to
10 receive the enhanced federal medical assistance percentage.

11 (Source: P.A. 101-10, eff. 6-5-19; 102-43, eff. 7-6-21;
12 102-699, eff. 4-19-22.)