



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2792

Introduced 1/17/2024, by Sen. Michael W. Halpin

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-2.11 new

Amends the Medical Assistance Article of the Illinois Public Aid Code. Requires the Department of Human Services, in consultation with the Department of Healthcare and Family Services, to develop a caregiver program to provide direct payments to caregivers of individuals enrolled in the medical assistance program who are disabled for less than 12 months as a result of a diagnosed illness or related treatment. Sets forth the components of the caregiver program, including, but not limited to: (i) criteria applicable to a caregiver, which shall include, but not be limited to, a limitation on the total hours of a caregiver's outside employment plus hours of providing care to the enrollee to ensure that the complete plan of care is delivered; (ii) payment of caregiver services at the personal assistant level of care and pay rate; (iii) limitations on the number of reimbursable hours of personal services; and (iv) utilization of the determination of need evaluation and other comprehensive assessment tools as criteria for determining eligibility and developing service plans under the caregiver program. Requires the Department of Healthcare and Family Services to apply, by January 1, 2025, for any waivers or State Plan amendments necessary for implementation of the caregiver program. Permits the Department of Human services to adopt any rules necessary to implement and administer the caregiver program. Effective immediately.

LRB103 36854 KTG 66966 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 5-2.11 as follows:

6 (305 ILCS 5/5-2.11 new)

7 Sec. 5-2.11. Paid caregiver program.

8 (a) The Department of Human Services, in consultation with
9 the Department of Healthcare and Family Services, shall
10 develop a caregiver program to provide direct payments to
11 caregivers of individuals enrolled in the medical assistance
12 program who are disabled for less than 12 months as a result of
13 a diagnosed illness or related treatment. The components of
14 the caregiver program shall include the following:

15 (1) Criteria applicable to a caregiver, which shall
16 include, but not be limited to, a limitation on the total
17 hours of a caregiver's outside employment plus hours of
18 providing care to the enrollee to ensure that the complete
19 plan of care is delivered.

20 (2) The determination of the personal care or similar
21 services for which payment may be made. Caregivers shall
22 be paid at the personal assistant level of care and pay
23 rate. In those instances in which the enrollee requires

1 specialized services (for example, services provided by a
2 certified nursing assistant, licensed practical nurse, or
3 registered nurse) and the caregiver has the corresponding
4 certification or licensure, the caregiver shall be paid
5 the higher rate for the specialized services only. The
6 specialized services the enrollee is authorized to receive
7 shall be defined and approved in the services plan.

8 (3) The method for determining that the amount of
9 personal care or similar services provided by the
10 caregiver is "extraordinary care" that exceeds the
11 ordinary care that would be provided to an enrollee
12 without a disability.

13 (4) Limitations on the number of hours of personal
14 services that will be reimbursed.

15 (5) Utilization of the determination of need
16 evaluation and other comprehensive assessment tools as
17 criteria for determining eligibility and developing
18 service plans under the caregiver program.

19 (6) Determination of how or whether the provision of
20 personal care by the caregiver is in the best interest of
21 the enrollee.

22 (7) Use of procedures that ensure that payments are
23 made for services rendered.

24 (8) Assurances that the enrollee is capable of
25 communicating his or her needs.

26 (9) Assurances that the caregiver is emotionally,

1 physically, and cognitively able to provide the necessary
2 care to the enrollee.

3 (b) By January 1, 2025, the Department of Healthcare and
4 Family Services shall apply for any State plan amendments or
5 waivers as may be necessary to implement the caregiver program
6 developed under this Section.

7 (c) The Department of Human Services may adopt any rules
8 necessary for the implementation and administration of the
9 caregiver program developed under this Section.

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