



Sen. Kimberly A. Lightford

Filed: 3/4/2024

10300SB3689sam001

LRB103 38237 KTG 69755 a

1 AMENDMENT TO SENATE BILL 3689

2 AMENDMENT NO. _____. Amend Senate Bill 3689 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by
5 changing Section 5-5e.1 as follows:

6 (305 ILCS 5/5-5e.1)

7 Sec. 5-5e.1. Safety-Net Hospitals.

8 (a) A Safety-Net Hospital is an Illinois hospital that:

9 (1) is licensed by the Department of Public Health as
10 a general acute care or pediatric hospital; and

11 (2) is a disproportionate share hospital, as described
12 in Section 1923 of the federal Social Security Act, as
13 determined by the Department; and

14 (3) meets one of the following:

15 (A) has a MIUR of at least 40% and a charity
16 percent of at least 4%; or

1 (B) has a MIUR of at least 50%.

2 (b) Definitions. As used in this Section:

3 (1) "Charity percent" means the ratio of (i) the
4 hospital's charity charges for services provided to
5 individuals without health insurance or another source of
6 third party coverage to (ii) the Illinois total hospital
7 charges, each as reported on the hospital's OBRA form.

8 (2) "MIUR" means Medicaid Inpatient Utilization Rate
9 and is defined as a fraction, the numerator of which is the
10 number of a hospital's inpatient days provided in the
11 hospital's fiscal year ending 3 years prior to the rate
12 year, to patients who, for such days, were eligible for
13 Medicaid under Title XIX of the federal Social Security
14 Act, 42 USC 1396a et seq., excluding those persons
15 eligible for medical assistance pursuant to 42 U.S.C.
16 1396a(a)(10)(A)(i)(VIII) as set forth in paragraph 18 of
17 Section 5-2 of this Article, and the denominator of which
18 is the total number of the hospital's inpatient days in
19 that same period, excluding those persons eligible for
20 medical assistance pursuant to 42 U.S.C.
21 1396a(a)(10)(A)(i)(VIII) as set forth in paragraph 18 of
22 Section 5-2 of this Article.

23 (3) "OBRA form" means form HFS-3834, OBRA '93 data
24 collection form, for the rate year.

25 (4) "Rate year" means the 12-month period beginning on
26 October 1.

1 (c) Beginning July 1, 2012 and ending on December 31,
2 2026, a hospital that would have qualified for the rate year
3 beginning October 1, 2011 or October 1, 2012 shall be a
4 Safety-Net Hospital.

5 (c-5) Beginning July 1, 2020 and ending on December 31,
6 2026, a hospital that would have qualified for the rate year
7 beginning October 1, 2020 and was designated a federal rural
8 referral center under 42 CFR 412.96 as of October 1, 2020 shall
9 be a Safety-Net Hospital.

10 (d) No later than August 15 preceding the rate year, each
11 hospital shall submit the OBRA form to the Department. Prior
12 to October 1, the Department shall notify each hospital
13 whether it has qualified as a Safety-Net Hospital.

14 (e) The Department may promulgate rules in order to
15 implement this Section.

16 (f) Nothing in this Section shall be construed as limiting
17 the ability of the Department to include the Safety-Net
18 Hospitals in the hospital rate reform mandated by Section
19 14-11 of this Code and implemented under Section 14-12 of this
20 Code and by administrative rulemaking.

21 (g) Notwithstanding any other provision of this Code,
22 effective for dates of service on and after January 1, 2025,
23 subject to federal approval, reimbursement rates for
24 safety-net hospitals shall be revised as follows:

25 (1) For inpatient hospital services, reimbursement
26 rates in effect January 1, 2024 under the All Patient

1 Refined-Diagnosis Related Groups system shall be increased
2 by 10% for safety-net hospitals.

3 (2) For outpatient hospital services, reimbursement
4 rates in effect January 1, 2024 under the Enhanced
5 Ambulatory Procedure Grouping system shall be increased by
6 10% for safety-net hospitals.

7 The Department shall take all actions necessary to ensure
8 the rate increases for safety-net hospitals authorized by this
9 amendatory Act of the 103rd General Assembly are in effect for
10 dates of service on and after January 1, 2025, including
11 publishing all appropriate public notices, applying for
12 federal approval of amendments to the Illinois Title XIX State
13 Plan, and adopting administrative rules if necessary.

14 (Source: P.A. 101-650, eff. 7-7-20; 101-669, eff. 4-2-21;
15 102-886, eff. 5-17-22.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."