

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 Department of Human Services Act is amended
5 by adding Section 10-55 as follows:

6 (20 ILCS 1305/10-55 new)

7 Sec. 10-55. Report; children with developmental
8 disabilities, severe mental illness, or severe emotional
9 disorders. On or before March 1, 2008, the Department shall
10 submit a report to the Governor and to the General Assembly
11 regarding the extent to which children (i) with developmental
12 disabilities, mental illness, severe emotional disorders, or
13 more than one of these disabilities, and (ii) who are currently
14 being provided services in an institution, could otherwise be
15 served in a less-restrictive community or home-based setting
16 for the same cost or for a lower cost. The Department shall
17 submit bi-annual updated reports to the Governor and the
18 General Assembly no later than March 1 of every even-numbered
19 year beginning in 2010.

20 Section 10. The Illinois Public Aid Code is amended by
21 changing Sections 5-2.05 and 12-4.36 as follows:

1 (305 ILCS 5/5-2.05)

2 Sec. 5-2.05. Children with disabilities ~~Disabled children~~.

3 (a) The Department of Healthcare and Family Services, in
4 conjunction with the Department of Human Services, ~~Public Aid~~
5 may offer, to children with developmental disabilities or
6 children with severe mental illness or severe emotional
7 disorders ~~and severely mentally ill or emotionally disturbed~~
8 ~~children~~ who otherwise would not qualify for medical assistance
9 under this Article due to family income, home-based and
10 community-based services instead of institutional placement,
11 as allowed under paragraph 7 of Section 5-2.

12 (b) The Department of Healthcare and Family Services ~~Public~~
13 ~~Aid~~, in conjunction with the Department of Human Services and
14 the Division of Specialized Care for Children, University of
15 Illinois-Chicago, shall submit a bi-annual ~~also~~ report to the
16 Governor and the General Assembly no later than January 1 of
17 every even-numbered year, beginning in 2008, 2004 regarding the
18 status of existing services offered under paragraph 7 of
19 Section 5-2. This report shall include, but not be limited to,
20 the following information:

21 ~~(1) The number of persons eligible for these services.~~

22 ~~(2) The number of persons who applied for these~~
23 ~~services.~~

24 (1) ~~(3)~~ The number of persons who currently receive
25 these services.

26 (2) ~~(4)~~ The nature, scope, and cost of services

1 ~~provided under paragraph 7 of Section 5-2.~~

2 (3) ~~(5)~~ The comparative cost of providing those
3 services in a hospital, skilled nursing facility, or
4 intermediate care facility.

5 (4) ~~(6)~~ The funding sources for the provision of
6 services, including federal financial participation.

7 (5) ~~(7)~~ The qualifications, skills, and availability
8 of caregivers for children receiving services.

9 (6) The number of children who have aged out of the
10 services offered under paragraph 7 of Section 5-2 during
11 the 2 years immediately preceding the report.

12 ~~The report shall also include information regarding the~~
13 ~~extent to which the existing programs could provide coverage~~
14 ~~for mentally disabled children who are currently being provided~~
15 ~~services in an institution who could otherwise be served in a~~
16 ~~less restrictive, community based setting for the same or a~~
17 ~~lower cost.~~

18 (Source: P.A. 93-599, eff. 8-26-03; revised 12-15-05.)

19 (305 ILCS 5/12-4.36)

20 Sec. 12-4.36. Pilot program for persons who are medically
21 fragile and technology-dependent.

22 (a) Subject to appropriations for the first fiscal year of
23 the pilot program beginning July 1, 2006, the Department of
24 Human Services, in cooperation with the Department of
25 Healthcare and Family Services, shall adopt rules to initiate a

1 3-year pilot program to (i) test a standardized assessment tool
2 for persons who are medically fragile and technology-dependent
3 who may be provided home and community-based services to meet
4 their medical needs rather than be provided care in an
5 institution not solely because of a severe mental or
6 developmental impairment and (ii) provide appropriate home and
7 community-based medical services for such persons as provided
8 in subsection (c) of this Section. The Department of Human
9 Services may administer the pilot program until June 30, 2010
10 ~~2009~~ if the General Assembly annually appropriates funds for
11 this purpose.

12 (b) Notwithstanding any other provisions of this Code, the
13 rules implementing the pilot program shall provide for
14 criteria, standards, procedures, and reimbursement for
15 services that are not otherwise being provided in scope,
16 duration, or amount through any other program administered by
17 any Department of Human Services or any other agency of the
18 State for these medically fragile, technology-dependent
19 persons. At a minimum, the rules shall include the following:

20 (1) A requirement that a pilot program participant be
21 eligible for medical assistance under this Code, a citizen
22 of the United States, or an individual who is lawfully
23 residing permanently in the United States, and a resident
24 of Illinois.

25 (2) A requirement that a standardized assessment for
26 medically fragile, technology-dependent persons will

1 establish the level of care and the service-cost maximums.

2 (3) A requirement for a determination by a physician
3 licensed to practice medicine in all its branches (i) that,
4 except for the provision of home and community-based care,
5 these individuals would require the level of care provided
6 in an institutional setting and (ii) that the necessary
7 level of care can be provided safely in the home and
8 community through the provision of medical support
9 services.

10 (4) A requirement that the services provided be
11 medically necessary and appropriate for the level of
12 functioning of the persons who are participating in the
13 pilot program.

14 (5) Provisions for care coordination and family
15 support services that will enable the person to receive
16 services in the most integrated setting possible
17 appropriate to his or her medical condition and level of
18 functioning.

19 (6) The frequency of assessment and plan-of-care
20 reviews.

21 (7) The family or guardian's active participation as
22 care givers in meeting the individual's medical needs.

23 (8) The estimated cost to the State for in-home care,
24 as compared to the institutional level of care appropriate
25 to the individual's medical needs, may not exceed 100% of
26 the institutional care as indicated by the standardized

1 assessment tool.

2 (9) When determining the hours of medically necessary
3 support services needed to maintain the individual at home,
4 consideration shall be given to the availability of other
5 services, including direct care provided by the
6 individual's family or guardian that can reasonably be
7 expected to meet the medical needs of the individual.

8 (c) During the pilot program, an individual who has
9 received services pursuant to paragraph 7 of Section 5-2 of
10 this Code, but who no longer receives ~~receive~~ such services
11 because he or she has reached the age of 21, may be provided
12 additional services pursuant to rule if the Department of Human
13 Services, Division of Rehabilitation Services, determines from
14 completion of the assessment tool for that individual that the
15 exceptional care rate established by the Department of
16 Healthcare and Family Services under Section 5-5.8a of this
17 Code is not sufficient to cover the medical needs of the
18 individual under the home and community-based services (HCBS)
19 waivers for persons with disabilities.

20 (d) The Department of Human Services is authorized to lower
21 the payment levels established under this Section or take such
22 other actions, including, without limitation, cessation of
23 enrollment, reduction of available medical services, and
24 changing standards for eligibility, that are deemed necessary
25 by the Department during a State fiscal year to ensure that
26 payments under this Section do not exceed available funds.

1 These changes may be accomplished by emergency rulemaking under
2 Section 5-45 of the Illinois Administrative Procedure Act,
3 except that the limitation on the number of emergency rules
4 that may be adopted in a 24-month period shall not apply.

5 (e) The Department of Human Services must make an annual
6 report to the Governor and the General Assembly with respect to
7 the persons eligible for medical assistance under this pilot
8 program. The report must cover the State fiscal year ending on
9 June 30 of the preceding year. The first report is due by
10 January 1, 2008. The report must include the following
11 information for the fiscal year covered by the report:

12 (1) The number of persons who were evaluated through
13 the assessment tool under this pilot program.

14 (2) The number of persons who received services not
15 available under the home and community-based services
16 (HCBS) waivers for persons with disabilities under this
17 pilot program.

18 (3) The number of persons whose services were reduced
19 under this pilot program.

20 (4) The nature, scope, and cost of services provided
21 under this pilot program.

22 (5) The comparative costs of providing those services
23 in other institutions.

24 (6) The Department's progress in establishing an
25 objective, standardized assessment tool for the HCBS
26 waiver that assesses the medical needs of medically

1 fragile, technology-dependent adults.

2 (7) Recommendations for the funding needed to expand
3 this pilot program to all medically fragile,
4 technology-dependent individuals in HCBS waivers.

5 (8) Subject to appropriation or the availability of
6 other funds for this purpose, participant experience
7 survey information for persons with disabilities who are
8 participating in this pilot program and for persons with
9 disabilities who are not participating in the pilot program
10 but who are currently receiving services under the home and
11 community-based services (HCBS) waiver and who have
12 received services under paragraph 7 of Section 5-2 of this
13 Code.

14 This report may be submitted as part of the report required
15 by subsection (b) of section 5-2.05 of this Code.

16 (Source: P.A. 94-838, eff. 6-6-06.)

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