

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 Sections 5-5.4d and 5-5.4e as follows:

6 (305 ILCS 5/5-5.4d new)

7 Sec. 5-5.4d. MDS payment methodology; quarterly rate  
8 adjustments. On and after July 1, 2009, the nursing component  
9 of the nursing facility medical assistance rate computed under  
10 the Minimum Data Set (MDS) payment methodology shall be  
11 calculated and adjusted quarterly. The Department of  
12 Healthcare and Family Services may adopt rules necessary to  
13 implement this amendatory Act of the 96th General Assembly  
14 through the use of emergency rulemaking in accordance with  
15 Section 5-45 of the Illinois Administrative Procedure Act,  
16 except that the 24-month limitation on the adoption of  
17 emergency rules under Section 5-45 and the provisions of  
18 Sections 5-115 and 5-125 of that Act do not apply to rules  
19 adopted under this Section. For purposes of that Act, the  
20 General Assembly finds that the adoption of rules to implement  
21 this amendatory Act of the 96th General Assembly is deemed an  
22 emergency and necessary for the public interest, safety, and  
23 welfare.

1 (305 ILCS 5/5-5.4e new)

2 Sec. 5-5.4e. Nursing facilities; ventilator rates. On and  
3 after October 1, 2009, the Department of Healthcare and Family  
4 Services shall adopt rules to provide medical assistance  
5 reimbursement under this Article for the care of persons on  
6 ventilators in skilled nursing facilities licensed under the  
7 Nursing Home Care Act and certified to participate under the  
8 medical assistance program. Accordingly, necessary amendments  
9 to the rules implementing the Minimum Data Set (MDS) payment  
10 methodology shall also be made to provide a separate per diem  
11 ventilator rate based on days of service. The Department may  
12 adopt rules necessary to implement this amendatory Act of the  
13 96th General Assembly through the use of emergency rulemaking  
14 in accordance with Section 5-45 of the Illinois Administrative  
15 Procedure Act, except that the 24-month limitation on the  
16 adoption of emergency rules under Section 5-45 and the  
17 provisions of Sections 5-115 and 5-125 of that Act do not apply  
18 to rules adopted under this Section. For purposes of that Act,  
19 the General Assembly finds that the adoption of rules to  
20 implement this amendatory Act of the 96th General Assembly is  
21 deemed an emergency and necessary for the public interest,  
22 safety, and welfare.

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.