



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3197

Introduced 2/10/2010, by Sen. William Delgado

SYNOPSIS AS INTRODUCED:

20 ILCS 505/5b-1 new

Amends the Children and Family Services Act. Creates the DCFS Children's Mental Health Services Trust Fund. Provides that beginning on the effective date of this amendatory Act, any funds paid to the State by the federal government under Title XIX and Title XXI of the Social Security Act for child welfare services delivered by community mental health providers, certified as Medicaid providers by the Department of Children and Family Services pursuant to specified provisions in the Illinois Administrative Code, for child welfare services relating to Medicaid-eligible clients and families served consistent with the purposes of the Department of Children and Family Services, including services delivered as a result of the conversion of such providers from a comprehensive rate to a fee-for-service payment methodology, and any subsequent revenue maximization initiatives performed by such providers, and any interest earned thereon, shall be deposited directly into the DCFS Children's Mental Health Services Trust Fund. Provides that the Trust Fund shall not be subject to sweeps, administrative charge-backs, including but not limited to, those authorized under specified provisions of the State Finance Act, or any other fiscal or budgetary maneuver that would in any way transfer funds from the Trust Fund into any other fund of the State, except as otherwise provided. Provides that the Department of Children and Family Services shall satisfy certain reporting requirements. Effective immediately.

LRB096 18490 KTG 35462 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Children and Family Services Act is amended
5 by adding Section 5b-1 as follows:

6 (20 ILCS 505/5b-1 new)

7 Sec. 5b-1. DCFS Children's Mental Health Services Trust
8 Fund.

9 (a) As used in this Section:

10 "Trust Fund" means the DCFS Children's Mental Health
11 Services Trust Fund.

12 (b) The DCFS Children's Mental Health Services Trust Fund
13 is hereby created in the State Treasury.

14 (c) Beginning on the effective date of this amendatory Act
15 of the 96th General Assembly, any funds paid to the State by
16 the federal government under Title XIX and Title XXI of the
17 Social Security Act for child welfare services delivered by
18 community mental health providers, certified as Medicaid
19 providers by the Department of Children and Family Services
20 pursuant to Part 132 of Title 59 of the Illinois Administrative
21 Code, for child welfare services relating to Medicaid-eligible
22 clients and families served consistent with the purposes of the
23 Department of Children and Family Services, including services

1 delivered as a result of the conversion of such providers from
2 a comprehensive rate to a fee-for-service payment methodology,
3 and any subsequent revenue maximization initiatives performed
4 by such providers, and any interest earned thereon, shall be
5 deposited directly into the DCFS Children's Mental Health
6 Services Trust Fund. Such funds shall be used for the purchase
7 of child welfare services provided to eligible individuals
8 identified by the Department of Children and Family Services.
9 Child welfare services relating to Medicaid-eligible clients
10 and families served consistent with the purposes of the
11 Department of Children and Family Services are defined in
12 Section 5 of this Act.

13 The DCFS Children's Mental Health Services Trust Fund shall
14 not be subject to sweeps, administrative charge-backs,
15 including but not limited to, those authorized under Section 8h
16 of the State Finance Act, or any other fiscal or budgetary
17 maneuver that would in any way transfer funds from this Trust
18 Fund into any other fund of the State, except as provided in
19 this Section.

20 The Department shall annually report to the Governor and
21 the General Assembly, by October 1, on both the total revenue
22 deposited into the Trust Fund and the total expenditures made
23 from the Trust Fund for the previous fiscal year. This report
24 shall include detailed descriptions of all revenue and
25 expenditures regarding the Trust Fund from the previous fiscal
26 year. This report shall be presented by the Director of the

1 Department of Children and Family Services or his or her
2 designee to the appropriate Appropriations Committee in the
3 House of Representative, as determined by the Speaker of the
4 House, and in the Senate, as determined by the President of the
5 Senate. The report shall be made available to the public and
6 shall be published on the Department of Children and Family
7 Services' website, in a readily available location, a minimum
8 of one week prior to the presentation of the report to the
9 General Assembly.

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