



Sen. James F. Clayborne, Jr.

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09600SB3773sam001

LRB096 20651 KTG 38210 a

1 AMENDMENT TO SENATE BILL 3773

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3773 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by  
5 adding Section 5-11.01 as follows:

6 (305 ILCS 5/5-11.01 new)

7 Sec. 5-11.01. Presumption of eligibility; long term care  
8 services.

9 (a) For the purposes of this Section, "facility" means a  
10 facility licensed under the Nursing Home Care Act to provide  
11 intermediate or skilled geriatric care.

12 (b) Transferring from hospital. Prior to transferring a  
13 patient to a facility, a hospital shall review the patient's  
14 financial records to determine the likelihood that the patient  
15 will qualify for medical assistance coverage, when that  
16 patient's care is not eligible for reimbursement by a long term

1 care insurance policy or Medicare and is not already determined  
2 to be eligible for Medicaid. If in the best judgment of the  
3 hospital, the patient would qualify for medical assistance  
4 coverage, the patient shall be presumed to be eligible until  
5 the presumption is rebutted by a formal determination of  
6 ineligibility by the Department of Human Services.

7 (c) Entering from community. A pre-admission screener  
8 under contract with the Department of Aging shall review the  
9 financial records of an individual entering a facility from the  
10 community to determine the likelihood that the individual will  
11 qualify for medical assistance coverage, when the individual's  
12 care is not eligible for reimbursement by a long term care  
13 insurance policy or Medicare and is not already determined to  
14 be eligible for medical assistance coverage. If in the best  
15 judgment of the pre-admission screener, the individual would  
16 qualify for medical assistance coverage, the individual shall  
17 be presumed to be eligible until the presumption is rebutted by  
18 a formal determination of ineligibility by the Department of  
19 Human Services.

20 (d) Spending down. Residents of a facility shall notify the  
21 facility 60 days prior to depleting their financial resources  
22 and becoming unable to cover the cost of their care. Upon  
23 notification, the facility shall offer to assist the resident  
24 in completing the application for medical assistance coverage  
25 or offer to arrange for the Department of Human Services to  
26 meet with the resident to assist in completing the application.

1 If the resident has not been formally determined to be eligible  
2 or ineligible for medical assistance coverage at the end of the  
3 60 days or if the resident fails to give the facility 60 days  
4 notice, the facility shall review the resident's financial  
5 records to determine the likelihood that the resident will  
6 qualify for medical assistance coverage. If in the best  
7 judgment of the facility, the individual would qualify for  
8 medical assistance coverage, the individual shall be presumed  
9 to be eligible until the presumption is rebutted by a formal  
10 determination of ineligibility by the Department of Human  
11 Services.

12 (e) If upon admission, the facility determines that the  
13 resident is not eligible to have his or her care reimbursed by  
14 Medicare or a private long term care insurance policy and their  
15 eligibility for medical assistance coverage has not been  
16 determined, the facility shall offer to assist the resident in  
17 completing the application or, in the alternative, offer to  
18 arrange for the Department of Human Services to meet with the  
19 resident at the facility for the purpose of assisting the  
20 resident in completing the application.

21 (f) A facility admitting an individual presumed to be  
22 eligible for medical assistance coverage shall have all  
23 services provided to the individual reimbursed from the date of  
24 admission and until such time that the presumption is rebutted  
25 regardless of when the individual's pre-admission screening  
26 has occurred. The facility shall not be liable to reimburse the

1 State for any reimbursement made during the presumptive  
2 eligibility period.

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.".