



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2574

Introduced 1/11/2012, by Sen. William Delgado

SYNOPSIS AS INTRODUCED:

210 ILCS 45/3-405 rep.

210 ILCS 47/3-405 rep.

305 ILCS 5/5-1.1

from Ch. 23, par. 5-1.1

305 ILCS 5/12-10.8 rep.

305 ILCS 5/12-10.9 rep.

Amends the Nursing Home Care Act. Repeals a provision concerning the placement of involuntary transfer or discharge notices in a nursing home resident's clinical record. Amends the ID/DD Community Care Act. Repeals a provision concerning the transmission of involuntary transfer or discharge notices to the Department of Public Health, the named resident, the resident's representative, and, if the resident's care is paid for in whole or in part with federal funds, the Department of Healthcare and Family Services. Amends the Illinois Public Aid Code. Removes the term "exceptional medical care" and its corresponding definition. Repeals a provision requiring the Department of Healthcare and Family Services to enter into a contract for \$1,000,000 with the provider of community mental health services that has more than 700 beds at over 30 service locations in multiple counties for purposes of supporting the implementation of time-limited resident review and rapid reintegration targeted to residents of federally defined Institutions for Mental Disease. Repeals a provision requiring the Department to utilize up to \$2,000,000 of the Fiscal Year 2009 appropriations for federally defined Institutions for Mental Disease to pay providers of community mental health services that are certified by the Department of Human Services. Effective immediately.

LRB097 14483 KTG 59337 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 (210 ILCS 45/3-405 rep.)

5 Section 5. The Nursing Home Care Act is amended by
6 repealing Section 3-405.

7 (210 ILCS 47/3-405 rep.)

8 Section 10. The ID/DD Community Care Act is amended by
9 repealing Section 3-405.

10 Section 15. The Illinois Public Aid Code is amended by
11 changing Section 5-1.1 as follows:

12 (305 ILCS 5/5-1.1) (from Ch. 23, par. 5-1.1)

13 Sec. 5-1.1. Definitions. The terms defined in this Section
14 shall have the meanings ascribed to them, except when the
15 context otherwise requires.

16 (a) "Nursing facility" means a facility, licensed by the
17 Department of Public Health under the Nursing Home Care Act,
18 that provides nursing facility services within the meaning of
19 Title XIX of the federal Social Security Act.

20 (b) "Intermediate care facility for the developmentally
21 disabled" or "ICF/DD" means a facility, licensed by the

1 Department of Public Health under the ID/DD Community Care Act,
2 that is an intermediate care facility for the mentally retarded
3 within the meaning of Title XIX of the federal Social Security
4 Act.

5 (c) "Standard services" means those services required for
6 the care of all patients in the facility and shall, as a
7 minimum, include the following: (1) administration; (2)
8 dietary (standard); (3) housekeeping; (4) laundry and linen;
9 (5) maintenance of property and equipment, including
10 utilities; (6) medical records; (7) training of employees; (8)
11 utilization review; (9) activities services; (10) social
12 services; (11) disability services; and all other similar
13 services required by either the laws of the State of Illinois
14 or one of its political subdivisions or municipalities or by
15 Title XIX of the Social Security Act.

16 (d) "Patient services" means those which vary with the
17 number of personnel; professional and para-professional skills
18 of the personnel; specialized equipment, and reflect the
19 intensity of the medical and psycho-social needs of the
20 patients. Patient services shall as a minimum include: (1)
21 physical services; (2) nursing services, including restorative
22 nursing; (3) medical direction and patient care planning; (4)
23 health related supportive and habilitative services and all
24 similar services required by either the laws of the State of
25 Illinois or one of its political subdivisions or municipalities
26 or by Title XIX of the Social Security Act.

1 (e) "Ancillary services" means those services which
2 require a specific physician's order and defined as under the
3 medical assistance program as not being routine in nature for
4 skilled nursing facilities and ICF/DDs. Such services
5 generally must be authorized prior to delivery and payment as
6 provided for under the rules of the Department of Healthcare
7 and Family Services.

8 (f) "Capital" means the investment in a facility's assets
9 for both debt and non-debt funds. Non-debt capital is the
10 difference between an adjusted replacement value of the assets
11 and the actual amount of debt capital.

12 (g) "Profit" means the amount which shall accrue to a
13 facility as a result of its revenues exceeding its expenses as
14 determined in accordance with generally accepted accounting
15 principles.

16 (h) "Non-institutional services" means those services
17 provided under paragraph (f) of Section 3 of the Disabled
18 Persons Rehabilitation Act and those services provided under
19 Section 4.02 of the Illinois Act on the Aging.

20 (i) (Blank) ~~"Exceptional medical care" means the level of~~
21 ~~medical care required by persons who are medically stable for~~
22 ~~discharge from a hospital but who require acute intensity~~
23 ~~hospital level care for physician, nurse and ancillary~~
24 ~~specialist services, including persons with acquired~~
25 ~~immunodeficiency syndrome (AIDS) or a related condition. Such~~
26 ~~care shall consist of those services which the Department shall~~

1 ~~determine by rule.~~

2 (j) "Institutionalized person" means an individual who is
3 an inpatient in an ICF/DD or nursing facility, or who is an
4 inpatient in a medical institution receiving a level of care
5 equivalent to that of an ICF/DD or nursing facility, or who is
6 receiving services under Section 1915(c) of the Social Security
7 Act.

8 (k) "Institutionalized spouse" means an institutionalized
9 person who is expected to receive services at the same level of
10 care for at least 30 days and is married to a spouse who is not
11 an institutionalized person.

12 (l) "Community spouse" is the spouse of an
13 institutionalized spouse.

14 (Source: P.A. 96-1530, eff. 2-16-11; 97-227, eff. 1-1-12.)

15 (305 ILCS 5/12-10.8 rep.)

16 (305 ILCS 5/12-10.9 rep.)

17 Section 20. The Illinois Public Aid Code is amended by
18 repealing Sections 12-10.8 and 12-10.9.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.