

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 Nursing Home Care Act is amended by changing  
5 Section 3-405 as follows:

6 (210 ILCS 45/3-405) (from Ch. 111 1/2, par. 4153-405)

7 Sec. 3-405. A copy of the notice required by Section 3-402  
8 shall be placed in the resident's clinical record and a copy  
9 shall be transmitted to the Department, the resident, and the  
10 resident's representative, ~~and, if the resident's care is paid~~  
11 ~~for in whole or part through Title XIX, the Department of~~  
12 ~~Healthcare and Family Services.~~

13 (Source: P.A. 95-331, eff. 8-21-07.)

14 Section 10. The ID/DD Community Care Act is amended by  
15 changing Section 3-405 as follows:

16 (210 ILCS 47/3-405)

17 Sec. 3-405. Copy of notice in resident's record; copy to  
18 Department. A copy of the notice required by Section 3-402  
19 shall be placed in the resident's clinical record and a copy  
20 shall be transmitted to the Department, the resident, and the  
21 resident's representative, ~~and, if the resident's care is paid~~

1 ~~for in whole or part through Title XIX, the Department of~~  
2 ~~Healthcare and Family Services.~~

3 (Source: P.A. 96-339, eff. 7-1-10.)

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

6 (305 ILCS 5/5-1.1) (from Ch. 23, par. 5-1.1)

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

10 (a) "Nursing facility" means a facility, licensed by the  
11 Department of Public Health under the Nursing Home Care Act,  
12 that provides nursing facility services within the meaning of  
13 Title XIX of the federal Social Security Act.

14 (b) "Intermediate care facility for the developmentally  
15 disabled" or "ICF/DD" means a facility, licensed by the  
16 Department of Public Health under the ID/DD Community Care Act,  
17 that is an intermediate care facility for the mentally retarded  
18 within the meaning of Title XIX of the federal Social Security  
19 Act.

20 (c) "Standard services" means those services required for  
21 the care of all patients in the facility and shall, as a  
22 minimum, include the following: (1) administration; (2)  
23 dietary (standard); (3) housekeeping; (4) laundry and linen;  
24 (5) maintenance of property and equipment, including

1 utilities; (6) medical records; (7) training of employees; (8)  
2 utilization review; (9) activities services; (10) social  
3 services; (11) disability services; and all other similar  
4 services required by either the laws of the State of Illinois  
5 or one of its political subdivisions or municipalities or by  
6 Title XIX of the Social Security Act.

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

18 (e) "Ancillary services" means those services which  
19 require a specific physician's order and defined as under the  
20 medical assistance program as not being routine in nature for  
21 skilled nursing facilities and ICF/DDs. Such services  
22 generally must be authorized prior to delivery and payment as  
23 provided for under the rules of the Department of Healthcare  
24 and Family Services.

25 (f) "Capital" means the investment in a facility's assets  
26 for both debt and non-debt funds. Non-debt capital is the

1 difference between an adjusted replacement value of the assets  
2 and the actual amount of debt capital.

3 (g) "Profit" means the amount which shall accrue to a  
4 facility as a result of its revenues exceeding its expenses as  
5 determined in accordance with generally accepted accounting  
6 principles.

7 (h) "Non-institutional services" means those services  
8 provided under paragraph (f) of Section 3 of the Disabled  
9 Persons Rehabilitation Act and those services provided under  
10 Section 4.02 of the Illinois Act on the Aging.

11 (i) (Blank) ~~"Exceptional medical care" means the level of~~  
12 ~~medical care required by persons who are medically stable for~~  
13 ~~discharge from a hospital but who require acute intensity~~  
14 ~~hospital level care for physician, nurse and ancillary~~  
15 ~~specialist services, including persons with acquired~~  
16 ~~immunodeficiency syndrome (AIDS) or a related condition. Such~~  
17 ~~care shall consist of those services which the Department shall~~  
18 ~~determine by rule.~~

19 (j) "Institutionalized person" means an individual who is  
20 an inpatient in an ICF/DD or nursing facility, or who is an  
21 inpatient in a medical institution receiving a level of care  
22 equivalent to that of an ICF/DD or nursing facility, or who is  
23 receiving services under Section 1915(c) of the Social Security  
24 Act.

25 (k) "Institutionalized spouse" means an institutionalized  
26 person who is expected to receive services at the same level of

1 care for at least 30 days and is married to a spouse who is not  
2 an institutionalized person.

3 (1) "Community spouse" is the spouse of an  
4 institutionalized spouse.

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

6 (305 ILCS 5/12-10.8 rep.)

7 (305 ILCS 5/12-10.9 rep.)

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

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