

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 Mental Health and Developmental
5 Disabilities Administrative Act is amended by changing
6 Sections 18.4 and 18.5 as follows:

7 (20 ILCS 1705/18.4)

8 Sec. 18.4. Community Mental Health Medicaid Trust Fund;
9 reimbursement.

10 (a) The Community Mental Health Medicaid Trust Fund is
11 hereby created in the State Treasury.

12 (b) Amounts paid to the State during each State fiscal year
13 by the federal government under Title XIX or Title XXI of the
14 Social Security Act for services delivered by community mental
15 health providers, and any interest earned thereon, shall be
16 deposited 100% into the Community Mental Health Medicaid Trust
17 Fund. Not more than \$4,500,000 of the Community Mental Health
18 Medicaid Trust Fund may be used by the Department of Human
19 Services' Division of Mental Health for oversight and
20 administration of community mental health services, and of that
21 amount no more than \$1,000,000 may be used for the support of
22 community mental health service initiatives. The remainder
23 shall be used for the purchase of community mental health

1 services. as follows:

2 ~~(1) The first \$75,000,000 shall be deposited directly~~
3 ~~into the Community Mental Health Medicaid Trust Fund to be~~
4 ~~used for the purchase of community mental health services;~~

5 ~~(2) The next \$4,500,000 shall be deposited directly~~
6 ~~into the Community Mental Health Medicaid Trust Fund to be~~
7 ~~used by the Department of Human Services' Division of~~
8 ~~Mental Health for the oversight and administration of~~
9 ~~community mental health services and up to \$1,000,000 of~~
10 ~~this amount may be used for support of community mental~~
11 ~~health service initiatives;~~

12 ~~(3) The next \$3,500,000 shall be deposited directly~~
13 ~~into the General Revenue Fund;~~

14 ~~(4) Any additional amounts shall be deposited into the~~
15 ~~Community Mental Health Medicaid Trust Fund to be used for~~
16 ~~the purchase of community mental health services.~~

17 (b-5) Whenever a State mental health facility operated by
18 the Department is closed and the real estate on which the
19 facility is located is sold by the State, the net proceeds of
20 the sale of the real estate shall be deposited into the
21 Community Mental Health Medicaid Trust Fund.

22 (c) The Department shall reimburse community mental health
23 providers for services provided to eligible individuals.
24 Moneys in the ~~Community Mental Health Medicaid~~ Trust Fund may
25 be used for that purpose.

26 (c-5) The Community Mental Health Medicaid Trust Fund is

1 not subject to administrative charge-backs.

2 (c-10) The Department of Human Services shall annually
3 report to the Governor and the General Assembly, by September
4 1, on both the total revenue deposited into the Trust Fund and
5 the total expenditures made from the Trust Fund for the
6 previous fiscal year. This report shall include detailed
7 descriptions of both revenues and expenditures regarding the
8 Trust Fund from the previous fiscal year. This report shall be
9 presented by the Secretary of Human Services to the appropriate
10 Appropriations Committee in the House of Representatives, as
11 determined by the Speaker of the House, and in the Senate, as
12 determined by the President of the Senate. This report shall be
13 made available to the public and shall be published on the
14 Department of Human Services' website in an appropriate
15 location, a minimum of one week prior to presentation of the
16 report to the General Assembly.

17 (d) As used in this Section:

18 "Trust Fund" means the Community Mental Health Medicaid
19 Trust Fund.

20 "Community mental health provider" means a community
21 agency that is funded by the Department to provide a service.

22 "Service" means a mental health service provided pursuant
23 to the provisions of administrative rules adopted by the
24 Department and funded by the Department of Human Services'
25 Division of Mental Health.

26 (Source: P.A. 95-707, eff. 1-11-08; 96-660, eff. 8-25-09.)

1 (20 ILCS 1705/18.5)

2 Sec. 18.5. Community Developmental Disability Services
3 Medicaid Trust Fund; reimbursement.

4 (a) The Community Developmental Disability Services
5 Medicaid Trust Fund is hereby created in the State treasury.

6 (b) Except as provided in subsection (b-5), any funds ~~in~~
7 ~~excess of \$16,700,000~~ in any fiscal year paid to the State by
8 the federal government under Title XIX or Title XXI of the
9 Social Security Act for services delivered by community
10 developmental disability services providers for services
11 relating to Developmental Training and Community Integrated
12 Living Arrangements as a result of the conversion of such
13 providers from a grant payment methodology to a fee-for-service
14 payment methodology, or any other funds paid to the State for
15 any subsequent revenue maximization initiatives performed by
16 such providers, and any interest earned thereon, shall be
17 deposited directly into the Community Developmental Disability
18 Services Medicaid Trust Fund. ~~One third of this amount shall be~~
19 ~~used only~~ to pay for Medicaid-reimbursed community
20 developmental disability services provided to eligible
21 individuals, ~~and the remainder shall be transferred to the~~
22 ~~General Revenue Fund.~~

23 (b-5) Beginning in State fiscal year 2008, any funds paid
24 to the State by the federal government under Title XIX or Title
25 XXI of the Social Security Act for services delivered through

1 the Children's Residential Waiver and the Children's In-Home
2 Support Waiver shall be deposited directly into the ~~Community~~
3 ~~Developmental Disability Services Medicaid~~ Trust Fund and
4 shall not be subject to the transfer provisions of subsection
5 (b).

6 (b-7) The Community Developmental Disability Services
7 Medicaid Trust Fund is not subject to administrative
8 charge-backs.

9 (b-9) The Department of Human Services shall annually
10 report to the Governor and the General Assembly, by September
11 1, on both the total revenue deposited into the Trust Fund and
12 the total expenditures made from the Trust Fund for the
13 previous fiscal year. This report shall include detailed
14 descriptions of both revenues and expenditures regarding the
15 Trust Fund from the previous fiscal year. This report shall be
16 presented by the Secretary of Human Services to the appropriate
17 Appropriations Committee in the House of Representatives, as
18 determined by the Speaker of the House, and in the Senate, as
19 determined by the President of the Senate. This report shall be
20 made available to the public and shall be published on the
21 Department of Human Services' website in an appropriate
22 location, a minimum of one week prior to presentation of the
23 report to the General Assembly.

24 (b-10) Whenever a State developmental disabilities
25 facility operated by the Department is closed and the real
26 estate on which the facility is located is sold by the State,

1 the net proceeds of the sale of the real estate shall be
2 deposited into the Community Developmental Disability Services
3 Medicaid Trust Fund.

4 (c) For purposes of this Section:

5 "Trust Fund" means the Community Developmental Disability
6 Services Medicaid Trust Fund.

7 "Medicaid-reimbursed developmental disability services"
8 means services provided by a community developmental
9 disability provider under an agreement with the Department that
10 is eligible for reimbursement under the federal Title XIX
11 program or Title XXI program.

12 "Provider" means a qualified entity as defined in the
13 State's Home and Community-Based Services Waiver for Persons
14 with Developmental Disabilities that is funded by the
15 Department to provide a Medicaid-reimbursed service.

16 "Revenue maximization alternatives" do not include
17 increases in funds paid to the State as a result of growth in
18 spending through service expansion or rate increases.

19 (Source: P.A. 95-707, eff. 1-11-08; 96-660, eff. 8-25-09.)

20 Section 99. Effective date. This Act takes effect July 1,
21 2012.