



Rep. Sara Feigenholtz

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LRB096 05480 RCE 30005 a

1 AMENDMENT TO HOUSE BILL 1802

2 AMENDMENT NO. _____. Amend House Bill 1802 by replacing
3 everything after the enacting clause with the following:

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

1 Fund. Not more than \$4,500,000 of the Community Mental Health
2 Medicaid Trust Fund may be used by the Department of Human
3 Services' Division of Mental Health for oversight and
4 administration of community mental health services, and of that
5 amount no more than \$1,000,000 may be used for the support of
6 community mental health service initiatives. The remainder
7 shall be used for the purchase of community mental health
8 services. as follows:

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

12 ~~(2) The next \$4,500,000 shall be deposited directly~~
13 ~~into the Community Mental Health Medicaid Trust Fund to be~~
14 ~~used by the Department of Human Services' Division of~~
15 ~~Mental Health for the oversight and administration of~~
16 ~~community mental health services and up to \$1,000,000 of~~
17 ~~this amount may be used for support of community mental~~
18 ~~health service initiatives;~~

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

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

24 (b-5) Whenever a State mental health facility operated by
25 the Department is closed and the real estate on which the
26 facility is located is sold by the State, the net proceeds of

1 the sale of the real estate shall be deposited into the
2 Community Mental Health Medicaid Trust Fund.

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

7 (c-5) The Community Mental Health Medicaid Trust Fund is
8 not subject to administrative charge-backs.

9 (c-10) 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 (d) As used in this Section:

25 "Trust Fund" means the Community Mental Health Medicaid
26 Trust Fund.

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

3 "Service" means a mental health service provided pursuant
4 to the provisions of administrative rules adopted by the
5 Department and funded by the Department of Human Services'
6 Division of Mental Health.

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

8 (20 ILCS 1705/18.5)

9 Sec. 18.5. Community Developmental Disability Services
10 Medicaid Trust Fund; reimbursement.

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

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

1 ~~used only~~ to pay for Medicaid-reimbursed community
2 developmental disability services provided to eligible
3 individuals, ~~and the remainder shall be transferred to the~~
4 ~~General Revenue Fund.~~

5 (b-5) Beginning in State fiscal year 2008, any funds paid
6 to the State by the federal government under Title XIX or Title
7 XXI of the Social Security Act for services delivered through
8 the Children's Residential Waiver and the Children's In-Home
9 Support Waiver shall be deposited directly into the ~~Community~~
10 ~~Developmental Disability Services Medicaid~~ Trust Fund and
11 shall not be subject to the transfer provisions of subsection
12 (b).

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

16 (b-9) The Department of Human Services shall annually
17 report to the Governor and the General Assembly, by September
18 1, on both the total revenue deposited into the Trust Fund and
19 the total expenditures made from the Trust Fund for the
20 previous fiscal year. This report shall include detailed
21 descriptions of both revenues and expenditures regarding the
22 Trust Fund from the previous fiscal year. This report shall be
23 presented by the Secretary of Human Services to the appropriate
24 Appropriations Committee in the House of Representatives, as
25 determined by the Speaker of the House, and in the Senate, as
26 determined by the President of the Senate. This report shall be

1 made available to the public and shall be published on the
2 Department of Human Services' website in an appropriate
3 location, a minimum of one week prior to presentation of the
4 report to the General Assembly.

5 (b-10) Whenever a State developmental disabilities
6 facility operated by the Department is closed and the real
7 estate on which the facility is located is sold by the State,
8 the net proceeds of the sale of the real estate shall be
9 deposited into the Community Developmental Disability Services
10 Medicaid Trust Fund.

11 (c) For purposes of this Section:

12 "Trust Fund" means the Community Developmental Disability
13 Services Medicaid Trust Fund.

14 "Medicaid-reimbursed developmental disability services"
15 means services provided by a community developmental
16 disability provider under an agreement with the Department that
17 is eligible for reimbursement under the federal Title XIX
18 program or Title XXI program.

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

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

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

1 Section 99. Effective date. This Act takes effect July 1,
2 2012.".