



Sen. Michael E. Hastings

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09800SB0822sam001

LRB098 05040 RLC 42643 a

1 AMENDMENT TO SENATE BILL 822

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 822 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 Section  
6 18.4 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.

9 (b-5) Whenever a State mental health facility operated by  
10 the Department is closed and the real estate on which the  
11 facility is located is sold by the State, the net proceeds of  
12 the sale of the real estate shall be deposited into the  
13 Community Mental Health Medicaid Trust Fund and used  
14 exclusively for the purposes enumerated in subsections (c),  
15 (c-2), and (c-3) of Section 4.6 of the Community Services Act.  
16 The net proceeds from the sale of a State mental health  
17 facility may be spent over a number of fiscal years and are not  
18 required to be spent in the same fiscal year in which they are  
19 deposited.

20 (c) The Department shall reimburse community mental health  
21 providers for services provided to eligible individuals.  
22 Moneys in the Trust Fund may be used for that purpose.

23 (c-5) The Community Mental Health Medicaid Trust Fund is  
24 not subject to sweeps, administrative charges, or  
25 charge-backs, or any other fiscal or budgetary maneuver that  
26 would transfer any amount from the Fund into any other Fund of

1 the State unless specifically authorized by law prior to the  
2 effective date of this amendatory Act of the 98th General  
3 Assembly. It is not lawful to circumvent this limitation by  
4 governmental reorganization or other methods ~~administrative~~  
5 ~~charge backs.~~

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

21 (d) As used in this Section:

22 "Trust Fund" means the Community Mental Health Medicaid  
23 Trust Fund.

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

26 "Service" means a mental health service provided pursuant

1 to the provisions of administrative rules adopted by the  
2 Department and funded by or claimed through the Department of  
3 Human Services' Division of Mental Health.

4 (Source: P.A. 96-660, eff. 8-25-09; 96-820, eff. 11-18-09;  
5 96-868, eff. 7-1-12; 97-333, eff. 8-12-11.)

6 Section 10. The Community Services Act is amended by  
7 changing Section 4.6 as follows:

8 (405 ILCS 30/4.6)

9 Sec. 4.6. Closure and sale of State mental health or  
10 developmental disabilities facility.

11 (a) Whenever a State mental health facility operated by the  
12 Department of Human Services is closed and the real estate on  
13 which the facility is located is sold by the State, then, to  
14 the extent that net proceeds are realized from the sale of that  
15 real estate, those net proceeds must be used for mental health  
16 services ~~directed toward providing other services and supports~~  
17 ~~for persons with mental health needs~~. To that end, those net  
18 proceeds shall be deposited into the Community Mental Health  
19 Medicaid Trust Fund.

20 (b) Whenever a State developmental disabilities facility  
21 operated by the Department of Human Services is closed and the  
22 real estate on which the facility is located is sold by the  
23 State, then, to the extent that net proceeds are realized from  
24 the sale of that real estate, those net proceeds must be

1 directed toward providing other services and supports for  
2 persons with developmental disabilities needs. To that end,  
3 those net proceeds shall be deposited into the Community  
4 Developmental Disability Services Medicaid Trust Fund.

5 (c) In determining whether any net proceeds are realized  
6 from a sale of real estate described in subsection (a) ~~or (b),~~  
7 moneys for infrastructure ~~the Division of Developmental~~  
8 ~~Disabilities and the Division of Mental Health of the~~  
9 ~~Department of Human Services shall each determine the money, if~~  
10 ~~any, that shall be made available to ensure that life, safety,~~  
11 ~~and care concerns, including infrastructure, are addressed so~~  
12 ~~as to provide for persons with developmental disabilities or~~  
13 ~~mental illness~~ at the remaining respective State-operated  
14 facilities that will be expected to serve the individuals  
15 previously served at the closed facility shall be excluded from  
16 calculation by the Division of Mental Health of the Department  
17 of Human Services of net proceeds.

18 (c-1) In determining whether any net proceeds are realized  
19 from a sale of real estate described in subsection (b), the  
20 Division of Developmental Disabilities of the Department of  
21 Human Services shall determine the money, if any, that shall be  
22 made available to ensure that life, safety, and care concerns,  
23 including infrastructure, are addressed so as to provide for  
24 persons with developmental disabilities at the remaining  
25 respective State-operated facilities that will be expected to  
26 serve the individuals previously served at the closed facility.

1       (c-2) To the extent that a State mental health facility  
2 which has been closed served a specific geographical area, at  
3 minimum, 50% of the resulting net proceeds of its sale shall be  
4 made exclusively in the facility's geographical area and shall  
5 be used for the following mental health services:

6           (1) Supportive housing.

7           (2) Technology that enables behavioral health  
8 providers to participate in health information exchanges.

9           (3) Assertive Community Treatment.

10          (4) Transitional living apartments.

11          (5) Peer run crisis residential services targeted at  
12 diverting persons with mental illnesses from emergency  
13 departments.

14          (6) Psychiatric services.

15          (7) Community mental health services targeted at  
16 diverting persons with mental illness from the criminal  
17 justice system.

18       (c-3) The purpose of this Section is to increase the total  
19 funding available for community mental health services in any  
20 fiscal year in which those funds are expended above the amount  
21 which would otherwise be expended from General Revenue Funds or  
22 any other funding source controlled by the State. Moneys  
23 expended under this Section shall not be used to replace any  
24 other source of funding. The moneys shall be used to create new  
25 or additional mental health services as described in subsection  
26 (c-2).

1       (c-4) The purposes for which the net proceeds from the sale  
2 of real estate as provided in subsection (b) may be used for  
3 include, but are not limited to, the following:

4           (1) providing individuals with developmental  
5 disabilities the services and supports described in  
6 subsection (e) of Section 4.4; and

7           (2) in the case of a closure of a developmental  
8 disabilities facility, construction of a new facility to  
9 serve the needs of persons with developmental  
10 disabilities.

11       ~~(d) (Blank). The purposes for which the net proceeds from a~~  
12 ~~sale of real estate as provided in this Section may be used~~  
13 ~~include, but are not limited to, the following:~~

14           ~~(1) Providing for individuals with developmental~~  
15 ~~disabilities and mental health needs the services and~~  
16 ~~supports described in subsection (e) of Section 4.4.~~

17           ~~(2) In the case of the closure of a mental health~~  
18 ~~facility, the construction of a new facility to serve the~~  
19 ~~needs of persons with mental health needs.~~

20           ~~(3) In the case of the closure of a developmental~~  
21 ~~disabilities facility, construction of a new facility to~~  
22 ~~serve the needs of persons with developmental disabilities~~  
23 ~~needs.~~

24       (e) Whenever any net proceeds are realized from a sale of  
25 real estate as provided in this Section, the Department of  
26 Human Services shall share and discuss its plan or plans for

1 using those net proceeds with advocates, advocacy  
2 organizations, and advisory groups whose mission includes  
3 advocacy for persons with developmental disabilities or  
4 persons with mental illness.

5 (Source: P.A. 96-660, eff. 8-25-09; 96-1000, eff. 7-2-10.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law."